

JUDGE GARDEPHE

19 CV 11192

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No. \_\_\_\_\_

ROBERT HUDSON,  
PLAINTIFF,

Jury trial Demanded

-AGAINST-

COMPLAINT UNDER  
THE  
14<sup>TH</sup> AMENDMENT TO  
CONSTITUTION OF THE  
UNITED STATES

DUTCHESS COUNTY JUDGE PETER FORMAN,  
PETER FORMAN INDIVIDULLY ,  
DUTCHESS COUNTY SUPREME COURT  
SURROGATE'S JUDGE MICHAEL G, HAYES,  
THE DUTCHESS COUNTY CLERK,  
DUTCHESS COUNTY PUBLIC DEFENDER  
THOMAS ANGELL,  
ATTORNEY, DUTCHESS COUNTY ATTORNEY,  
THE COUNTY OF DUTCHESS,  
DEFENDANTS.

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PLAINTIFF'S CONTACT INFORMATION

1. The Parties to this Complaint  
PLAINTIFF,  
OWNER OF ROAD IN FEE  
ROBERT HUDSON  
254 HICKS HILL ROAD  
STANFORDVILLE, N.Y.S. 12581  
Telephone # 8452331922  
Email address a2104867

DEFENDANTS CONTACT INFORMATION

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DEFENDANTS CONTACT INFORMATION CONTINUED

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4. Dutchess County Supreme Court Judge Michael Hayes  
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5. DUTCHESS COUNTY DISTRICT ATTORNEY  
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N.Y.S. Supreme Court Case 1074 Civ 2017 Decision of Judge Forman Against Robert Hudson  
Robert Hudson filed a N.Y.S. Highway Law Article 11 Miscellaneous, Section 300 Private Road application, with Town of Pine Plains, Superintendent, Heather M. Wilson. and under N.Y.S. Constitution Article 1 section 7 (c) Private Roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceedings shall be paid by the person to be benefited. Approved by vote of the people November 8, 1938. The Town of Pine Plains Superintendent of Highways, Heather M. Wilson. Heather M. Wilson stated that Robert Hudson was wasting paper filing the Application.

Robert Hudson filed an appeal Petition Application in the Dutchess County Supreme Court case Number 1074 civ 2017 (Exhibit 4 page 104-105 1074 civ 2017 Highway law Section 300- Private Road REQUEST FOR JUDICIAL Intervention). This RJI was filed with 2 Application on Appeal each with 22 exhibits, Petitions May 9, 2017 with 22 exhibits. The Defendant Town of Pine Plains Superintendent, Heather Wilson answered on June 15, 2017. Acting Dutchess County Supreme Court Judge Peter Forman entered a decision and order denying Robert Hudson's Highway Law, Private road Application EXHIBIT 4 page 73 through 79. The Supreme Court of N.Y.S. Appellate Division 4<sup>th</sup> Judicial Dept. In the Matter of John Siwela Petitioner Appellant, vs the Town of Hornlsville Et al.. Property owner brought action against town superintendent to compel them to empanel jury to consider owners application to lay out private road. The Supreme Court Steuben County denied Application. Owner appealed. Holdings: The Supreme Court Appellate Division held that: (1) application to lay out road was not incomplete, and (2) owners contention with respect to necessity of road was issues of fact to be determined by Jury. Reversed.

BASIS FOR JURISDICTION  
THE BASIS FOR JURISDICTION IS THE FOURTEENTH AMENDMENT  
OF THE  
CONSTITUTION OF THE UNITED STATES A FEDERAL QUESTION

STATEMENT OF CLAIM

Robert Hudson's Indictment by Grand Jury for use of Hicks Hill road to Robert Hudson's home and Agricultural property in the 21 Agricultural District that Robert Hudson has used for 38 years; Robert Hudson holds his home and property as an estate in fee simple that Robert Hudson's children will inherit. Robert Hudson's Real Property was purchased at a Dutchess County delinquent tax land sale.

Robert Hudson was indicted by Grand Jury in Dutchess County on the following Charges;

1. B misdemeanor criminal trespass, third degree 140.10, date added 12/13/2018
2. E felony criminal contempt 3<sup>rd</sup> degree -1<sup>st</sup> order of protection, 215.51 added 12/13/2018
3. Felony criminal mischief 2<sup>nd</sup> degree 145.10 date added 12/13/2018
4. Felony criminal first Degree 215.51 /protection 12/13/2018
5. Misdemeanor criminal contempt 2d 215.50 disobey CRT 12/13/2018

Judge Peter Forman dismissed 1. Misdemeanor Criminal Trespass on day of Trial before trial

Robert Hudson was arraigned in the Pine Plains Court on the charge of Trespass in June of 2018 and indicted on the Charge of Criminal Trespass by a Grand Jury in December of 2018

On the October 21, 2019 the first day of trial before any evidence was submitted the Dutchess County Judge Peter Forman removed the charge of Trespass against Robert Hudson to prevent Robert Hudson from pleading right by title by Adverse Possession to road over the land of the Common Grantor, Sampson Sheldon Broughton as a defense to Robert Hudson's use of the Common Grantor road the Robert Hudson's right of way from the main road over the road over the complainants property to Robert Hudson's home and property.

## **In Trespass Action Defense of Title by Adverse Possession**

**Under 51 NY Jur TRESPASS Section 30. Title and other right..**

Ownership together with the right of possession is a defense to liability for trespass, *Ives v Ives* 13 Johns 236 The owner of land is not guilty of trespass in removing a fence erected on the land by an adjacent land owner. *Dunham v Stuyvesant*, 11 Johns 569. in trespass the jurisdiction is arrested if the defendant pleads title or if it appears by the plaintiffs own showing that title to land is in question. *Collar v Ulster & Delaware R. Co.* 72 Misc 274, 131 NYS 56. The defense of adverse possession, where the possession was under claim of right or title is a defense to an action brought by a Plaintiff alleging a trespass to the land in question. See NY Jur. ADVERSE POSSESSION AND PRESCRIPTION SECTIONS 20, 37. In Trespass Action Adverse Possession is a Defense to an action brought by a Plaintiff alleging a trespass to the land in question. 18. defendant had shown sufficient evidence to warrant a claim of Adverse Possession and a good defense against a trespass action where it appears that he had regularly cut grass on certain meadowlands and taken it away, this being the only use that could be made of the land which was not susceptible of being tilled. *Shinnecock Hills & P.B. Realty co. v Aldrich*, 132 AD 118, 116 NYS 532, *affd* 200 NY 533, 93 NE 1132. Where the defendant has a right of way over certain land, he is not guilty of trespassing tearing down gates or removing a fence which interferes with his right. *Immaculate Conception Church v Sheffer*, 88 Hun 335, 34 NYS 724, *affd* 156 NY 670, 50 NE 1118.

### **ANNOTATION:**

Right to maintain trespass for interference with right of way. 47 ALR 555.

Robert Hudson's document (ENTITLED PLEA OF TITLE BY ADVERSE POSSESSION was submitted EXHIBIT 1. page 23 through 29) to Dutchess County Court on October 22, 2019 the second day of trial, was the N.Y.S. law of Adverse Possession Section 512. Essentials of adverse possession under written instrument or judgment. For the purpose of constituting an adverse possession by a person claiming title founded upon a written instrument or a judgment or decree, land is deemed to have been possessed and occupied in either of the following cases: 3. Where although not enclosed, it has been used for the supply of fuel or of fencing timber, either for the purpose of husbandry or for the ordinary use of the occupant.



### Robert Hudson's Plea of Adverse Possession

Robert Hudson, purchased, two (2) properties upon (Hicks Hill Road Rear, the road listed upon Robert Hudson's deeds EXHIBIT 3 page 34 through 38); The properties were purchased at a Dutchess County Delinquent Tax Land Sale, conducted by the Dutchess County Treasurer under Article 10 of Real Property Tax Law; The Delinquent Tax Land Sale was held July 17, 1979 and two Deeds were issued to Robert Hudson and dated August 6, 1979.

For the past 40 years Robert Hudson have owned and developed my two (2) agricultural properties in the 21 Agricultural District with Robert Hudson's home thereon in the Town of Pine Plains in the County of Dutchess N.Y., Robert Hudson's Deeds EXHIBIT 3, page 34 through 38 listed Dutchess County Tax Map grid Numbers 12-6770-00-285878-00 and 12-6770-00-316872-00. the properties are each listed upon the Dutchess county 1979 Tax Polls as Hicks Hill Road Rear and are, adjacent and juxtaposed.

For the second time in forty years the Varneys have placed a fence across the road on south side of the Varney property known upon the Dutchess County Tax Rolls as Hicks Hill road rear; though many fences were put up across Hicks Hill Road rear over the Varney property over the past 40 years I Robert Hudson have removed them all and brought the tools Sheep and Goat fencing, fuel, goats and machinery to improve defendant, Robert Hudson's home and property.

The second assigned Dutchess County Court Judge, Peter Forman was assigned as judge over this criminal prosecution of, Robert Hudson even though the same Judge, acting Supreme Court Judge, Peter Forman had made a decision against Robert Hudson Petitioner's Article 300 Highway Law, Private Road application petition on appeal; And the court ordered that the Varneys be named as defendants over Petitioner Applicant, Robert Hudson's objections that the Varney's could be named as party defendant, Dutchess County Supreme Court Docket No. cv 1074/2017 Robert Hudson vs. Town of Pine Plains Superintendent of Highways, Heather M. Wilson.

Robert Hudson's appearances before the Dutchess County, Criminal Court  
Psychiatrist, January 1, 2019, January 2, 2019  
Court January 10, 2019

January 29, 2019

February 21, 2019

March 7, 2019

May 7, 2019

May 20, 2019

June 13, 2019

June 20, 2019

July 16, 2019

July 30, 2019

October 17, 2019 Judge granted Defendant, Hudson right to defend himself

October 28, 2019 Trial date

October 21, 2019 trial date moved up

When Robert Hudson first appeared before Judge Peter Forman in the Dutchess County Court, Robert Hudson told Judge Peter Forman that Robert Hudson would represent himself; Judge Peter Forman stated that Judge Forman's friend, who is head of the Dutchess County Public Defenders office, Thomas Angell, that Judge Forman stated he knew for so long, would represent Robert Hudson; Robert Hudson objected, stating that Robert Hudson will defend himself. Judge Forman dismissed Robert Hudson's objection and order that Thomas Angell would represent Robert Hudson. Judge Forman speaking to Robert Hudson for more than five minutes had threatened Robert Hudson with 8 years in jail and ordered that Thomas Angell would take Robert Hudson's right to defend himself. Robert Hudson physiatrist report show Hudson was able to represent himself.

Robert Hudson brought into the Dutchess County Criminal Court case 00136, Robert Hudson's entire civil action Application appeal petition with 24 exhibits for Private Road under, Highway Law Article 300 private road application from the Dutchess County Supreme Court Docket No.1074/2017. Robert Hudson's Dutchess County Supreme Court 1074/2017 Petition on appeal and 24 exhibits, were served in the Robert Hudson's Dutchess County Criminal case 00136/2018 by process server, with service upon the District Attorney and service was made upon the Dutchess County Criminal Court. The record has been also in this case been submitted to U.S.D.C.S.D of N.Y..

On or about May 20, 2019 Robert Hudson was placed back in jail for the remainder of a previous 90 day sentence upon a previous Trespass charge over the Varney property.

On or about the 21 of May 2017 Robert Hudson upon Criminal case 00136 was ordered before Dutchess County Supreme Court, Surrogate Judge, Michael Hayes. At this time a new Public Defender was assigned to Robert Hudson was before Judge Hayes. At this time N.Y.S. Supreme Court Judge Michael Hayes, ordered Robert Hudson not to file any documents in the Dutchess County Criminal Court Case 00136 without first having approval of the Public Defender.

From the out set Public Defender Thomas Angell had denied Robert Hudson the right to sign Robert Hudson's 9 subpoenas; to have defendants 9 witnesses subpoenaed to court to testify against the charge of trespass by adverse possession. And Robert Hudson was denied to talk to Judge Forman while Public Defender was representing Robert Hudson.

On or about October 16, 2019 Robert Hudson filed a United States District Court complaint in the Southern District of New York against Judge Peter Forman ET-AL for the denial of Robert Hudson's U.S. Constitutional rights to Robert Hudson's right to trial by jury and to defend himself unhindered.

On the following day Thursday October 17, 2019 Dutchess County Court Judge, Peter Forman ordered that Robert Hudson could represent himself and that Public Defender, Thomas Angell would act as counsel. Robert Hudson had previously asked the Public Defender Thomas Angell, Representing Hudson, to Sign Robert Hudson's subpoenas and Angell refused to sign Robert Hudson's Subpoenas.

Again Defendant, Hudson's asked Counsel Thomas Angell to sign Robert Hudson's Subpoenas to validate the subpoenas but Thomas Angell again refused to sign Robert Hudson's subpoenas.

Judge Forman had set a new Trial by Jury date for October 21, 2019 just one working day after Robert Hudson had been granted by Dutchess County Court, Judge Forman, the right of Robert Hudson to defend himself.

On October 17, 2019 Robert Hudson asked Judge Forman for an extension of time to subpoena witnesses and to prepare a defense against the charges all relating to trespass; Judge Peter Forman denied Robert Hudson's request for an extension of time, and maintained the rescheduled trial date of October 21, 2019.

The Dutchess County Grand Jury had indicted Robert Hudson on the above listed charges including the charge of Criminal trespass. Robert Hudson had plead title to all the charges. On October 21, 2019 the first day of the trial proceedings Judge Forman called Robert Hudson to cloistered proceedings in his chambers, outside of public view; in Judge Foreman's Chambers. Judge Forman sat 4 feet across the conference table facing Robert Hudson on the other side of the Conference table from Robert Hudson at this time Judge Forman dismissed the Charge of Criminal Trespass 140.10; Defendant Hudson stated all the charges were all related to the criminal charge of trespass and Judge Forman would have to dismiss all the associated charges against Robert Hudson, related to the charge of trespass of Robert Hudson; Robert Hudson stated that all the criminal charges were related to the trespass by the Doctrine of Collateral Estoppel; which required that if the charge of trespass were dismissed all the charges were bound by to the charge of trespass. At this time Judge Forman did not speak; and Judge Forman just threw his hand in the air and smiled: Robert Hudson's Counsel, Thomas Angell didn't

speak. At this time the District Attorney corrected Robert Hudson's pronunciation of the words collateral estoppel. The Stenographer took the transcripts

Robert Hudson had told Thomas Angell on many occasions not to call Robert Hudson's wife again. On Thursday November 14, 2019 Public Defender Thomas Angell called Robert Hudson's wife and stated that there was a motion that needed Robert Hudson's approval before the motion could be submitted to the Court. Robert Hudson's wife has been under a lot of strain and Robert Hudson's son threw Robert Hudson on the ground because of the grief that this case is causing Robert Hudson's wife. Angell's Phone call caused Robert Hudson's son to throw Robert Hudson on the ground.

On November 19, 2019 Robert Hudson, had to go to the Dutchess County Probation Department before sentencing for the conviction of two felonies and two misdemeanors on December 15, 2019. Robert Hudson was late and went to Public Defender Thomas Angell's office; Robert Hudson signed as the author, of the Angell, motion that never mentioned the Doctrine of Collateral Estoppel that Robert Hudson had brought up before Judge Forman in conference on October 21, 2019 and Robert Hudson never saw any of the transcripts related to the Motion and 20 minutes later called Thomas Angell to tell Thomas Angell not to submit motion; Robert Hudson again called Thomas Angell to tell him not to submit the motion to the court

On November 19, 2019 in Public Defender office, Thomas Angell stated that Robert Hudson should allow Thomas Angell to Defend Hudson's right to the road and Thomas Angell stated that Robert Hudson would have an Easement. Robert Hudson stated that Robert Hudson will defend himself and receive the road to his Home and Estate in Fee that the County of Dutchess sold to Robert Hudson; Thomas Angell stated "that's not going to happen".

When the District Attorney made a Molenx motion to say that the complainant Varney did not see defendant, Robert Hudson break the fence placed at Hicks Hill Road on the south border of the Varney property. Robert Hudson then submitted an affidavit that stated that I ROBERT HUDSON DID BREAK THE FENCE, placed across Robert Hudson's road to his home and property that Robert Hudson used for 40 years.

When the selection of the jury was made Robert Hudson was not allowed to know the addresses of the Jurors that were selected.

In Robert Hudson's, Town of Pine Plains Trial by Jury with similar Trespass charges related to Robert Hudson's Trespass over the Varney property at which time Robert Hudson was given names and addresses, of all prospective jurors.



The District Attorney put into evidence a small Dutchess County Real Property Tax Services-Dutchess County Pine Plains 6770 Topographical Contour Map; This Dutchess County 6770 map showed both the Robert Hudson's Home and properties and of the complainant Varney properties on this one tax Map; Before the jury Robert Hudson put into evidence the same (Dutchess County 6770 Real Property Tax Services Map only much larger EXHIBIT 5. pages 106 and 107), this full sized legible copy of the District Attorney's Dutchess County, Pine Plains 6770 topographical map; by this map Robert Hudson explained to the jury where the Robert Hudson's land and the Varney land and the main road is. The Court then struck from the record of the Court, the full sized Topographical Map; but maintained the States small 6770 map.

Robert Hudson was not allowed any witnesses and Robert Hudson was not allowed to speak of any road or to submit the Complainant Varney, Robert Hudson Tax Map; or to submit Defendant's deeds or to speak of any defense by title, or adverse possession of the Road Robert Hudson claimed right to use.

The Jury upon deliberation called Defendants large 6770 topographical map into the jury chambers. But after Robert Hudson was convicted the large 6770 topographic map was deleted from evidence from the court record.

#### STATES WITNESS THE TOWN OF PINE PLAINS ASSESSOR

On October 22, 2019 the District Attorney called the Town of Pine Plains Assessor to testify against Robert Hudson and the Pine Plains Town Assessor testified against Robert Hudson's property and deed. The Town of Pine Plains is where Robert Hudson's estate is located. The Assessor stated to the jury that Robert Hudson had a quit claim deed; but that was not true at all; and the Town of Pine Plains Assessor had no knowledge or information regarding the charges against Robert Hudson or what kind of deed Robert Hudson held.

Robert Hudson did not cross examine the Pine Plains Assessor; but on the following day Robert Hudson submitted a document entitled (objections to removing the charge of trespass EXHIBIT 2. page 30 through 33). In which the Robert Hudson stated; that removing the charge of trespass denied Robert Hudson to plead Title or present a defense against the charges that were part of the Trespass charge.

Robert Hudson purchased his deeds to his properties at a delinquent tax land sale on July 17, 1979. (Robert Hudson deeds EXHIBIT 3. page 34 through 38 are dated August 6, 1979, These deeds are also in this USDCSD of NY original Complaint), conducted by the Dutchess County Treasurer under the Laws of N.Y.S.; THE NEW YORK STATE COURT OF APPEALS STATED " [t]he purchaser of property at a tax sale\* \* \* acquires a new

and complete title to the land under an independent grant from the sovereign, a title free of any prior claims to the property or interests in it.” (Melahn v Hearn, 60 NY2d 944, 946).

Robert Hudson’s properties were sold to Robert Hudson N.Y.S. REAL PROPERTY TAX LAW, LAWS OF 1959 Chapter 959 AN ACT in relation to assessment and taxation of real property constituting chapter 50-a of the consolidated laws. REAL PROPERTY TAX LAW ARTICLE 10 Enforcement of collection of delinquent taxes. Section 1020. Effect of Conveyance 1. a conveyance by the county treasurer pursuant to section ten hundred and eighteen of this chapter shall vest in the grantee an absolute estate in fee, subject however, to (a) all all claims of the county, village, towns, city or state for taxes, liens or other encumbrances and subject to all easements and rights of way which were in existence at the time of the levy of the tax the non payment of which resulted in the tax sale.  
SECTION 1018 Conveyance by the county treasurer

1. If any parcel of real property sold for taxes is not redeemed within the time limited as provided, upon application in writing the county treasurer shall execute to the purchaser a conveyance of the real property sold, the description of which shall include a specific statement of the title or interest thereby conveyed so far as appears on the record in his office.

Robert Hudson’s deeds listed his properties on Hicks Hill Road Rear.

2. Every such deed shall be executed by the county treasurer.

## 2 NY Jur ADVERSE POSSESSION

### Section 34 Tax deed or title;

It has been held that a tax deed regular on its face, which contains a description sufficient to enable location and identification of the land reported to be conveyed, constitutes color of title or a written instrument upon which to base adverse possession, even though it is actually void and might be so declared in an appropriate proceeding, and although it failed as a conveyance.<sup>8</sup>

Peattle v Gabel, 155 AD 786, 140 NYS 993.

Finaly v Cook, 54 Barb 9.

## STATES WITTIENESS, DUTCHESS COUNTY ASSISTANT CLERK

And the Dutchess County Assistant Clerk in charge of the records room who was also called by the District Attorney to testify against Robert Hudson; the Clerk also had no knowledge about or in regard to the charges against Hudson, and Robert Hudson did not cross examine.



On the second day of trial Robert Hudson submitted (EXHIBIT 2, page 30 through 33), Robert Hudson's objection to removal of the charge of trespass before Trial and the Prosecution wittiness, Town of Pine Plains Tax Assessor stating upon the wittiness stand that Robert Hudson held only a quick claim deed).

Robert Hudson cited the doctrine of collateral estoppel on October 21, 2019 in the Judges chambers and Robert Hudson had made two motions to remove Judge Peter Forman and Dutchess County Public Defender, Thomas Angell; The Two motions were also in part Robert Hudson's Plea of Title against the charge of trespass and related charges.

The Dutchess County District Attorney asked the Robert Hudson to approve Robert Hudson's signature upon the District Attorney's redacted Robert Hudson's Motion to remove Judge Peter Forman and Motion remove Public Defender, Thomas Angell from the Dutchess County criminal action 00136 against Robert Hudson.

Robert Hudson refused to authorize the District Attorney to remove Robert Hudson's words on any page of Robert Hudson's two Motions to Dismiss Judge Peter Forman and Public Defender, Thomas Angell; because Robert Hudson refused to authorize any alteration to Robert Hudson's Motions; The District Attorney, the Public Defender Thomas Angell, the County Court Judge Peter Forman and the N.Y.S. Appellate Division Second Judicial Department were each served the Motion to Dismiss Judge Peter Forman, and Public Defender, Angell in accordance with N.Y.S. CPLR Article 308 SERVICE OF SUMMONS and complaint.

The District Attorney then called as a prosecution wittiness the Notary Public that notarized Robert Hudson's name upon the Motion to Dismiss Judge Peter Forman and Thomas Angell that had 6 tabed exhibits Dated by notary Public Carolyn Lewis September 4, 2019 therewith (EXHIBIT 4 pages 39 through 104). The Dutchess County District Attorney then showed the original Robert Hudson's Motion to Dismiss Judge Peter Forman and to Dismiss Public Defender Thomas Angell and not the redacted Motion that the District Attorney was seeking to have placed in into evidence in place of Robert Hudson's Motion to Dismiss Judge Forman and Public Defender Thomas Angell.

The District Attorney wanted to replace Defendants Motion to Dismiss Judge Peter Forman and Motion to dismiss Public Defender, Thomas Angell with Robert Hudson's Notarized signature upon Robert Hudson's motion with blank pages without any writing on any page.

Judge Peter Forman and the district Attorney also wanted to replace Robert Hudson's document entitled Plea of Innocent, Robert Hudson's plea of Title, Robert Hudson's Plea of Adverse possession and Robert Hudson's demand for Trial by Jury, Dated by N.Y.S. Notary Public, Maria Bobral, January 9, 2019.

STATES WITNESS NOTARY PUBLIC CAROLYN Y LEWIS

The District Attorney asked the Notary Public, Carolyn Y Lewis N.Y.S. No. 01LE6309246 to identify Robert Hudson's name on Robert Hudson's (original Motion to Dismiss Judge Forman and Public Defender, Thomas Angell. Stamped Received by the Appellate division Second Department September 13, 2019 EXHIBIT 4) The District Attorney then asked the Notary Public to point Robert Hudson out and identify Robert Hudson while Judge Forman observed all.

Robert Hudson upon cross-examination asked the Notary Public, Carolyn Lewis one question "would you notarize a name to a document that was blank with no writing upon it". The Notary Public answered that she would not notarize a Signature name on a page that was blank..

It was Robert Hudson's original Motion to Dismiss Judge Peter Forman and Motion to Dismiss Public Defender Thomas Angell that the Notary Public was shown by the Dutchess County District Attorney to authorize but it was the redacted motion, the motion with all the words removed, that the District Attorney sought to replace Robert Hudson's Motion to Dismiss Judge Forman with.

On the Morning that the Notary Public took the wittiness stand in Robert Hudson's trial the Notary Public stated to Robert Hudson "that it was a violation of law to notarize a Signature on a document or a page that was blank".

It was Robert Hudson's original Motion that the District Attorney submitted to the Notary Public, to state that Robert Hudson signed it; it was the Robert Hudson unedited, un-redacted Motion to Dismiss Judge Peter Forman and Dismiss Public Defender Thomas Angell; But the District Attorney replaced the redacted Motion with Robert Hudson's Motion to Dismiss by the District Attorney. And the District Attorney's redacted motion is now all that remains of Robert Hudson's Motions to dismiss Judge Peter Forman and Public Defender Thomas Angell. As Robert Hudson's Counsel Thomas Angell did not say one word to Robert Hudson of what the District Attorney was doing. These Robert Hudson's Motions were Robert Hudson's basis for Robert Hudson's plea of title, against all these charges related to the Trespass charge.

The two motions that were served upon Judge Forman and the District Attorney were the only way that Robert Hudson could enter a plead Title against the Supreme Court's and the Dutchess County Court's denying

Robert Hudson's right to defend against the Charge of Trespass and the other four charges relating to the Trespass Charge in this action.

Robert Hudson's Motion to Dismiss Dutchess County Criminal Court Judge Peter Forman, Motion to allow Robert Hudson to subpoena witnesses, Motion for a fair and speedy trial and due Process of law Notarized September 3, 2019. In this Motion at EXHIBIT 4, page 88 and 89 Robert Hudson property and the trespass complainant, Varney property were stated to both be part of one common Grantors Land, Sampson Sheldon Broughton in Dutchess County Deed book 2-b page 54 listed in the original Dutchess County Supreme Court 1074/2017 complaint, submitted to this court.

Under New York Jurisprudence Volume 61 TRESPASS TO TRUSTS 1968 The Lawyers co-operative Publishing co. Westchester New York – Baker Voorhis and Co Inc. Mt Kisco N.Y. – VII EVIDENCE Section 35 Generally. The broad rules of evidence in civil actions generally, which are discussed in detail in 21, 22, NY Jur. Evidence are applicable in trespass actions, the discussion here being intended primarily relating to consider matters of evidence peculiarly relating to this type of action. A prima facie case in trespass is made out by showing that defendant's voluntary act directly produced the injury. In showing the title to maintain an action for trespass proof that plaintiff was in possession and claiming title is sufficient prima facie evidence to enable him to maintain the action, and no one but the true owner or one connected with the true owner in some way, may impeach such title-Hoyt v Van Alstyne, 15 Barb 568. Recitals in an ancient deed that the grantors were the heirs of the original owner constituted sufficient evidence Section 30 TITLE AND OTHER RIGHT Where a defendant has a right of way over certain land he is not guilty of trespass in tearing down gates or removing a fence which interferes with the use of his right. New York State Court of Appeals, Immaculate Conception Church v Sheffer, 88 Hun 335, 34 NYS 724, affd. 156 NY 670, 50 NE 1118.

( EXHIBIT 6. pages 108 through 116 - Between July 11, 2019 and September 1, 2019 all 4 of Robert Hudson's 4 goats & Robert Hudson's only sheep were killed and or taken. So that no live stock now exists on Hudson agricultural property. Live stock that Hudson maintained for 20 years.)

Robert Hudson's Motion to Dismiss Dutchess County Court Judge Peter Forman and Motion to Dismiss Public Defender, Thomas Angell had in it 6

tabed Exhibits; Exhibit 5 is the following document.

Criminal Court County of Dutchess

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People of the State of New York

AGAINST

N.Y.S. Dutchess County  
Criminal Court Index No.000136/2018

Defendant, Robert Hudson.

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page 7 at page 94

NO CRIME COULD BE COMMITTED BY DEFENDANT, Robert Hudson  
31 NEW YORK JURISPRUDENCE SECOND-CRIMINAL LAW

If conduct is all that is all that is required of a particular offense, or is an offense of some material element thereof does not require a culp-able mental state on the part of the actor, the offense is one of strict liability CLS Penal Law Section 15.10. If on the other hand, a culpable mental state on the part of the actor is required with respect to every mental element of the offense, such offense is one of mental culpability Most offenders in the penal law must be committed with some culpable mental state. CLS Penal Law Section 10.10.

The road stated upon Robert Hudson's deeds is Hicks Hill Road Rear the same Hicks Hill Road over the Varney Property is stated in the 1936 and 1963 Dutchess County Pine Plains Real Property Tax Rolls of the N.Y.S. Conservation Dept. Property 12-6770-00-070610-00 at Exhibit 17 of the Robert Hudson's Dutchess County Supreme Court Docket No. 1074/2017 Application for private Road under N.Y.S. Highway law Article 300 adjacent and juxtaposed to Varney property on the south. The road was stated in Defendant Robert Hudson's predecessor in title Mary Ann Wilkinson in Dutchess County deed of John Wilkinson and Maryann Wilkinson Dutchess County Deed Liber book 176 Deed page 205 stated "also a right to pass through the other part of the farm deeded to Stephen Tompkins." Steven Tompkins is listed in the Varney Chain of Title, the same right of way Hicks Hill road that Dutchess County Emergency Response Fire Department teams used over the Varney property to come to Robert Hudson's Land to put out the fire in 1983 as shown by the Register Herald Newspaper Article verified by the Assistant Editor at exhibit 15, this is the same road over the Varney Property that Robert Hudson has used for the past 40 years for road access to his home and property and both 00136 Criminal complainants Varney and his caretaker testified that Robert Hudson used the road for 40 years.

Judge Forman was the Judge over the Criminal Case of Robert Hudson's alleged Trespass and related charges, Judge Peter Forman ordered Public Defender Thomas Angell to represent Robert Hudson over Robert Hudson's objections;

The Robert Hudson's Dutchess County Supreme Court 1074 CIV 2017 Petition and 24 exhibits upon appeal, was submitted into evidence in Dutchess County Criminal Court 00136 proceeding, on the day Robert Hudson was sentenced back to Jail; This same 1074/2017 document of 24 exhibits was submitted in this U.S.D.C. Southern District Complaint.

Hudson submitted 1074/2017 petition into the Dutchess County Criminal case 00136 N.Y.S. and three days later Dutchess County Supreme Court Judge Hayes ordered Robert Hudson into his court and directed Robert Hudson not to file any papers with the court without Robert Hudson's Representative, Attorney's permission. In April 2019 Dutchess County Judge, Peter Forman ordered that Robert Hudson would not be allowed to defend and Represent, himself and that Public Defender, Thomas Angell would Represent, Robert Hudson even when the Physiatric examination exhibit 4 pages 56 through 70 stated that Robert Hudson was qualified to defend himself; On October 17, 2019, The Dutchess County Criminal Court Judge Peter Forman, directed that Robert Hudson could Represent himself, and had moved the Trial date from October 29, 2019 to October 21, 2019 one working day later.

On October 17, 2019 Robert Hudson asked Judge Forman for an extension of time to Subpoena witnesses and prepare for trial but Judge Forman denied Robert Hudson's request.

Robert Hudson was denied the right to submit any evidence of title to the Jury at trial. And the Large topographical Map that the Jury had asked to review as evidence in the trial proceeding, was removed by the court and never allowed as evidence.

In (EXHIBIT 4 Robert Hudson's Plea of title submitted in Robert Hudson's Motion to Dismiss Judge Peter Forman and Motion to Dismiss Public Defender, Thomas Angel) was received with service by the N.Y.S. Supreme Court Appellate Division Second Judicial Department stamped received September 13, 2019.

#### VARNEY TESTIMONY at Hudson criminal court trial

The Complainant, Sebastian Varney's, Testimony upon cross-examination stated that there was only one road to Robert Hudson Home and property and that was across the Varney land and that Robert Hudson used the road since he was a little boy. Sebastian Varney further stated that Robert Hudson never spoke to Sebastian Varney and that Robert Hudson did not threaten him.



# VARNEY CARETAKER TESTIMONY at Dutchess County Criminal Trial

The Complainant Caretaker for the Varney property stated upon cross-examination that there existed only one road to get to Robert Hudson's Home and estate and that only road was over the Varney property to Robert Hudson land and that Robert Hudson has always used the road over Varney property to gain access from the main road over the Varney Property to Robert Hudson's land. The Caretaker of the Varney Property stated that Robert Hudson passed close by to him when Robert Hudson walked over the Varney Property road that leads to the Robert Hudson's land; The Caretaker stated that Robert Hudson did not speak to him and that he was not afraid and that he knew Robert Hudson since he was young.

# ROBERT HUDSON TESTIMONY at Dutchess County Criminal court trial

Robert Hudson Testimony on the wittiness Stand in the trial by jury stated that Robert Hudson has used the road over the Varney property to get to his home and estate for 40 years.

Robert Hudson in the Dutchess County Court 00136, Criminal proceeding submitted evidence of Varney, Robert Hudson common grantor in the 1074/2017 petition showed that the Hudson property and the Varney property were both part of Sampson Sheldon Broughton property in the little Nine Partners Tract deed liber 2b page 54. The 1936 Town of Pine Plains p-age 27 Tax Roll of Mary M. Hinkley and the 1963 tax rolls of Mary M. Hinkley show Hicks Hill Rd. on Varney land.

The (Prosecution evidence submitted against Robert Hudson in the trial by jury was Dutchess County, Real Property Tax Services, Pine Plains 6770 Tax Map EXHIBIT 5), This 6770 Topographical Contoured Tax Map was introduced as evidence by the Dutchess County District Attorney it showed both Robert Hudson's property and the Complaint Varney Property upon the same 6770 Dutchess County Tax Map; This Pine Plains 6770 Tax Map was referenced in the Robert Hudson's deed's listing Robert Hudson upon Hicks Hill Road rear, showing of property in Pine Plains, 12-6770-00-285878-00 and 12-6770-00-316872-00 sold to Robert Hudson by the County of Dutchess and the Varney Property upon this same Tax Map. This 6770 Tax Map was the same Tax Map listing the property of Robert Hudson and the Property of the Varney and Hicks Hill Road the Main Road. Robert Hudson's N.Y.S. Supreme Court 1074/2017 application, petition, introduced into Robert Hudson's Dutchess County Criminal Court 00136 prosecution proceeding against Robert Hudson record, held within it a Dutchess County Pine Plains 1975 6770 Tax map a Title search of the Varney property and a title search of the Robert Hudson property. And Robert Hudson mapping description in feet and directions of the road from the main road Hicks



Hill Road over the Varney property that Robert Hudson used for 40 years under the common grantor who owned the Varney and the Hudson lands as one contiguous parcel in the deed of Sampson Sheldon Broughton, Dutchess County liber 2b at page 54.

Dutchess County court Judge Peter Forman would not allow Robert Hudson to plea title or submit any map, tax roll or deed of common grantor into the Trial by Jury. All the charges against Hudson were predicated upon Robert Hudson's trespass upon the common grantors Highway the road over the Varney property and the Wittiness Varney, the Wittiness Caretaker and Robert Hudson all testified that Robert Hudson used the road over the Varney Property for all time and that there was no other road existed to Robert Hudson's Home and property.

Robert Hudson stated on the wittiness stand that he was introducing Robert Hudson's Tax statements from 1984 that showed Robert Hudson's \$1800.00 Real Property value and Robert Hudson's tax statement from 2019 that showed Robert Hudson's Real Property value as \$200,000.00 to show the increase in Value of Robert Hudson's property upon the grounds that the Robert Hudson's property increase was due to tools, equipment, and farm seeds, sheep and goat fencing and stock being brought over the road over the Varney property to Robert Hudson's home and property. Robert Hudson has 3700 feet of sheep and goat fencing with steel fencing poles every 30 feet enclosing 13 acres of his land. Robert Hudson has brought this fencing and poles at \$450.00 per each 300 feet of fence and poles. For 20 years Robert Hudson raised Goats and Sheep upon his property. Robert Hudson still had 4 large goats and 1 ram sheep when Defendant was released from Jail on July 5, 2019 after Robert Hudson had (for the first time in 40 years) served 60 days in the Dutchess County jail for trespass over the Varney property. Thereafter the Sheep and Goats were Stolen and killed. When Robert Hudson went to make a complaint in the Dutchess County Sheriffs office Robert Hudson was refused to be allowed to make a complaint in Poughkeepsie. The Sheriff stated to Robert Hudson that Robert Hudson had to make a complaint in the Town of Pine Plains. Where ever Robert Hudson goes he has the complaint in his pocket.

2 NY Jur Adverse Possession Section 44. Payment of Taxes. Payment of taxes, if coupled with other acts may constitute some evidence of hostile possession.<sup>2</sup>  
 New York v Wilson & Co. 278 NY 86, 15 NE2d 408.  
 United States v 25.4 acres of land, 52 F Supp 75.

ADVERSE POSSESSION 8 L Ed 320

Section 30 Generally.

Research References

3 Am Jur 2d, Adverse possession sections 9-11, 54-57

ALR Digests Adverse Possession, section 39

The length of time which brings a given case within the legal presumption of a grant, charter or license, to validate a right long enjoyed, is not definite, depending upon its peculiar circumstances. *Michael v. United States*, 9 Pet 711,

9L Ed 283

(D) Claims; Hostility  
section 10 generally

Adverse Possession may exist without actual ouster, *Jackson ex dem. Penn*, 9Wheat 241

8 L Ed 170

An entry under claim of title sufficiently shows an intention to oust from possession. *Probst v Domestic Missions*, 129 US 182, 9 S Ct 263.

32 L Ed 642

The possession which will bar the right of the former owner to real property must be open visible, continuous, and exclusive, with a claim of ownership such as will notify the parties that the premises are held adversely to all titles and all claimants. *Sharon v Tucker*, 144 US 533, 12 S Ct. 720.

30 Led 532

Robert Hudson on the witness stand stated that he was introducing his tax statement from 1980 and the present 2019 taxes receipts to show that the value of Robert Hudson's property and estate increased from \$1800.00 to \$200,000.00 to show that Robert Hudson brought \$200,000.00 worth of Agricultural needs and equipment over the Road, Robert Hudson is accused of trespassing upon but Judge Forman stated, Robert Hudson could not introduce Robert Hudson's tax statements.

Payment of taxes is strong evidence of a claim of title and failure to pay taxes is some evidence of an abandonment of any right in or claim to the property.

*Holtzman v Douglas*, 168US 278, 18 S Ct 65,

42 L Ed 466

(E) COLOR OF TITLE

Section 18. Generally.

Research References

3 Am Jur 2d, Adverse Possession Sections 96-105

ALR Digests: Adverse Possession, section 27

Cross References

Constructive Possession under, see *infra*, section 53. One who seeks to set up an adverse possession need not have a good title, or in fact any title, except a possession adverse and hostile to that of the true owner under a pretense or color of title. *Pillow v. Roberts*, 13 How 472

14 L Ed 228

Page 597.

Section 19. Necessity

Research References

3 Am Jur 2d, Adverse Possession Section 106

ALR Digests adverse Possession, section 28

Page 597

2 NY Jur ADVERSE POSSESSION section 6

Title by adverse possession

ADVERSE POSSESSION

II Elements and Requisites

a. In General

Section 6. Generally

The New York state court of appeals has said that there are five essential elements necessary to constitute an effective adverse Possession. *Belotti v. Bickhardt*, 228 NY 296, 127 N.E. 239

Title by adverse Possession 16 NYU L. Rev 532, 17 NYU L. Rev 44.

(1) the possession must be hostile (4) section 9 et seq., infra and under claim of right.<sup>5</sup> sections 20 et seq., infra (2 )it must be actual;<sup>6</sup> sections 24 et seq., infra (3) It must be open and notorious;<sup>7</sup> sections 45 et. Seq. infra. (4) it must be exclusive;<sup>8</sup> sections 50 et seq., infra -and (5) it must be continuous <sup>9</sup> sections 55 et seq., infra for the statutory period.<sup>10</sup>

Similarly the establishment of a prescriptive right generally depends upon showing a continued and uninterrupted, open and visible use in the land of another which is definite and identical with that claimed as an easement under an adverse user and claim of right for the prescriptive period. Thus generally, the use must be exclusive by the owner of the dominant tenement and must be open peaceable, continuous, and as of right. *Moore v. day*, 199 AD 76, 191 NYS 731, affd 235 NY 554, 139 NE 732.

Section 7. Necessity of writing or color of title.

The Court of Appeals has said it is clear that when a defense is founded upon adverse possession, color of title by deed or other documental semblance of right is required, but it is equally clear that neither a deed nor any equivalent instrument is necessary when the possession is indicated by actual possession and any other adverse claim exists. *Bilotti v Bickhardt*, 228 NY 296, 127 NE 239.

As to possession under a written instrument or judgment see sections 28, infra.

Except in cases of constructive occupancy, 13. sections 25 infra., it is not necessary that the claim of adverse possession should be founded upon any written instrument whatever.<sup>14</sup> *Kent v. Harcourt* 33 Barb 491.

Robert Hudson plead upon the wittiness stand that he held an estate in fee, Petitioner Robert Hudson, stated in the Dutchess County Supreme Court 1074/2017 N.Y.S. Highway Law Private road petition that he claimed an estate in Fee Simple. In the two motions in this Dutchess County Crimonal Court 00136 Robert Hudson always claimed an estate in Fee Simple an estate that Robert Hudson's Children shall inherit.

UNDER Volume I The Colonial Laws of New York of 1683, The Charter of Liberties and Privileges of 1683-Chapter 21 [Land to be deemed an estate of inheritance]- THAT From hence forth Noe Lands Within this Province shall be Esteemed or accounted a Chattle or Personal Estate but an Estate of Inheritance according to the Custome and practice of his Majestyes Realme of England.

Compiled by the N.Y.S. law Revision Commission, Laws of 1891 Chapter 125

2NY Jur ADVERSE POSSESSION Section 22.Claim of Fee or whole. The claim of title must, in general, must be a claim to a title in fee.<sup>13</sup>

Real Property Actions and Proceedings Law, Laws of 1962 chapter 142 as amended generally by l 1962 c 312 Article 5 Adverse Possession  
CASE NOTES. Pleading and burden of proof. Once it has been shown that use of another's property for the prescriptive period, was open notorious and continuous, presumption arises that it was adverse and under claim of right and burden is then on the owner of the property to show that the use was by license. Kusmierz v Baan (1988, 3<sup>rd</sup> Dept) \*2 App Div. 2d 929, 440 NYS2d 733.

In the County of Dutchess Supreme Court 1074/2017 Robert Hudson v Town of Pine Plains Superintendent, Heather M. Wilson a written notarized request was made to the Dutchess County Clerk to sign Robert Hudson's Summons but the Dutchess County Clerk, Kendhal refused to sign the summons. Judge Peter Forman never spoke to Petitioner Applicant, Robert Hudson.;Robert Hudson had filed a Civil complaint 679/1974 N.Y.S. Putnam County Court, Robert Hudson v. William Bratz in the County of Putnan. The Clerk had a Pro Se attorney to assist the Pro-se litigant and have the summons signed; but In the Dutchess County Court no judge would sign Robert Hudson's Town of Pine Plains Superintendent Summons. There was no equal protection under law in the Counties, State of N.Y.

EXHIBIT 7 All Robert Hudson's live stock was either taken or killed. Robert Hudson's property is enclosed with a read ball fence and posted with posted signs.

EXHIBIT 8 Robert Hudson Petition to Quiet Title to the U.S, Supreme Court 86-586 Dutchess County Clerk required that a title search be submitted with the petition. But no such title search was required when it involved a Tax Sale Deed.

EXHIBIT 9 U.S. Supreme Court 92-5542 order in Robert Hudson v N.Y.S. order Robert Hudson must pay fee and Robert Hudson's Money order Payment.

### Plaintiff's Claim

In the 40 years Robert Hudson has owned and improved the Hicks Hill road Rear to Robert Hudson's Home and Property from the main road, Hicks Hill Road over the Varney property to Robert Hudson's land; Plaintiff, Robert Hudson has never been accused or convicted of any felony offense. But now after 40 years, deprived of right to defend Plaintiff's use of right to the road by Adverse Possession in the Trial by Jury that took place October 21, 2019 through October 23, of 2019 in the County Of Dutchess under Dutchess County Court Judge Peter Forman, Robert Hudson is convicted of (2) two felonies. The fret, grief, pain and suffering placed upon Plaintiff, Robert Hudson and his wife four children and 9 grandchildren by the Defendant's named in this Complaint has been without end and against both New York State and United States Constitutional law.

#### IV. RELIEF

For the fore going reasons Robert Hudson, claims relief in the some of (\$2,000,000.00) two million dollars as against the defendants named herein for pain and suffering and Plaintiff's the denial of right and denial of law Under the 14 Amendment to the Constitution of the United States.

V. Under Federal Rule of Civil Procedure 11, by signing below, I certify and swear to the best of my knowledge, information and belief that this Plaintiff's Complaint:

(1) is not being presented for an improper purpose, such as harass cause unnecessary delay, or needlessly increase the cost of litigation: (2) is supported by existing law or by a nonfrivolous argument for extending modifying, or reversing existing law: (3) the factual contentions evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery: and (4) the Amended complaint otherwise complies with the requirements of Rule 11.

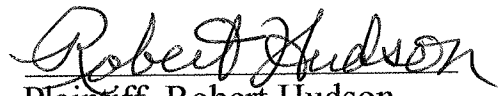
A. I agree to provide the Clerks Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerks Office may result in the dismissal of my case.

Respectfully Submitted,

DATE OF SIGNING

12-5-19  
Mary J. Rattendi

MARY J. RATTENDI  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN WESTCHESTER COUNTY  
REG. # 01RAG240996  
MY COMM. EXPIRES MAY 9, 2023

  
Plaintiff, Robert Hudson  
254 Hicks Hill Road  
Stanfordville, New York 12581  
Telephone # 845 233 1922  
Email



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# EXHIBIT 1

county of Dutchess

Dutchess County Criminal Court

RECEIVED  
CLERK'S OFFICE  
2019 OCT 22 PM 12:34

People of New York State

Docket # 00136

— against —

Robert Hudson,  
Defendant.

Plea of  
Title By  
Adverse Possession

To: The Honorable Court  
County Court Judge  
Peter Forman.

2019 OCT 22 PM 12:26

RECEIVED, D.C.  
DISTRICT ATTORNEY

Dear Sir,

Defendant Robert Hudson

Hereby enters this Plea Against  
The Charges Against Defendant.

Enclosed herewith is Real Property  
Actions And Proceedings Law, Chapter 81  
of the Consolidated Laws, Article 5  
Adverse Possession, section 512  
Essentials of adverse Possession under  
written instrument or Judgment, certified  
a true Copy of original by NYS Secretary of State

Robert Hudson

ROBERT HUDSON  
STATE OF NEW YORK: COUNTY OF DUTCHESS, ON OCT 22, 2019 BEFORE ME  
PERSONALLY CAME TO ME KNOWN & KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED  
HEREIN AND WHO EXECUTED THE FOREGOING AUTHORIZATION, AND WHO DULY  
ACKNOWLEDGED TO ME EXECUTION THEREOF.

John C. Borell  
JOHN C. BORELL  
Notary Public, State of New York  
No. 01BO6073680  
Qualified in Ulster County  
Commission Expires April 29, 2022

## REAL PROPERTY ACTIONS AND PROCEEDINGS LAW

Laws 1962, Chapter 142

As amended generally by L.1962, c. 312 and to July 19, 1979

Effective December 16, 1996

AN ACT to reconsolidate laws relating to actions, rights of action and proceedings concerning real property, constituting chapter eighty-one of the consolidated laws

Became a law March 13, 1962, with the approval of the Governor.  
Passed, three-fifths being present.

*The People of the State of New York, represented in  
Senate and Assembly, do enact as follows:*

### CHAPTER 81 OF THE CONSOLIDATED LAWS

Article	Sec.
*	*
5. Adverse Possession	501
*	*

#### ARTICLE 5—ADVERSE POSSESSION

- |      |  |
|------|--|
| Sec. |  |
| 501. | Action after entry.  |
| 511. | Adverse possession under written instrument or judgment.               |
| 512. | Essentials of adverse possession under written instrument or judgment. |
| 521. | Adverse possession under claim of title not written.                   |
| 522. | Essentials of adverse possession under claim of title not written.     |
| 531. | Adverse possession, how affected by relation of landlord and tenant.   |
| 541. | Adverse possession, how affected by relation of tenants in common.     |
| 551. | Right of person to possession not affected by descent cast.            |

§ 501. Action after entry

An entry upon real property is not sufficient or valid as a claim unless an action is commenced thereupon within one year after the making thereof and within ten years after the time when the right to make it descended or accrued.

§ 511. Adverse possession under written instrument or judgment

Where the occupant or those under whom he claims entered into the possession of the premises under claim of title, exclusive of any other right, founding the claim upon a written instrument, as being a conveyance of the premises in question, or upon the decree or judgment of a competent court, and there has been a continued occupation and possession of the premises included in the instrument, decree or judgment, or of some part thereof, for ten years, under the same claim, the premises so included are deemed to have been held adversely; except that when they consist of a tract divided into lots, the possession of one lot is not deemed a possession of any other lot.

✓ § 512. Essentials of adverse possession under written instrument or judgment

For the purpose of constituting an adverse possession by a person claiming a title founded upon a written instrument or a judgment or decree, land is deemed to have been possessed and occupied in either of the following cases:

1. Where it has been usually cultivated or improved.
2. Where it has been protected by a substantial inclosure.
3. Where, although not inclosed, it has been used for the supply of fuel or of fencing timber, either for the purposes of husbandry or for the ordinary use of the occupant.

Where a known farm or a single lot has been partly improved, the portion of the farm or lot that has been left not cleared or not inclosed, according to the usual course and custom of the adjoining country, is deemed to have been occupied for the same length of time as the part improved and cultivated.

**§ 521. Adverse possession under claim of title not written**

Where there has been an actual continued occupation of premises under a claim of title, exclusive of any other right, but not founded upon a written instrument or a judgment or decree, the premises so actually occupied, and no others, are deemed to have been held adversely.

**§ 522. Essentials of adverse possession under claim of title not written**

For the purpose of constituting an adverse possession by a person claiming title not founded upon a written instrument or a judgment or decree, land is deemed to have been possessed and occupied in either of the following cases, and no others:

1. Where it has been usually cultivated or improved.
2. Where it has been protected by a substantial inclosure.

**§ 531. Adverse possession, how affected by relation of landlord and tenant**

Where the relation of landlord and tenant has existed between any persons the possession of the tenant is deemed the possession of the landlord until the expiration of ten years after the termination of the tenancy; or, where there has been no written lease, until the expiration of ten years after the last payment of rent; notwithstanding that the tenant has acquired another title or has claimed to hold adversely to his landlord. But this presumption shall cease after the periods prescribed in this section and such tenant may then commence to hold adversely to his landlord.

**§ 541. Adverse possession, how affected by relation of tenants in common**

Where the relation of tenants in common has existed between any persons, the occupancy of one tenant, personally or by his servant or by his tenant, is deemed to have been the possession of the other, notwithstanding that the tenant so occupying the premises has acquired another title or has claimed to hold adversely to the other. But this presumption shall cease after the expiration of ten years of continuous exclusive occupancy by such tenant, personally or by his servant or by his tenant, or immediately upon an ouster by one tenant of the other and such occupying tenant may then commence to hold adversely to his cotenant.

§ 551. Right of person to possession not affected by descent  
cast

The right of a person to the possession of real property is not impaired or affected by a descent being cast in consequence of the death of a person in possession of the property.

*State of New York* }  
*Department of State* }<sup>ss:</sup>

*I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.*

*Witness my hand and seal of the Department of State on* DEC 16 1996



*Special Deputy Secretary of State*





# EXHIBIT 2

Dutchess County Court  
Criminal Court  
State of New York

People of the State of New York

Index# 00136

-Against-

Robert Hudson, Defendant

OBJECTION TO  
REMOVING  
The Charge of  
Trespass

RECEIVED, D.C.  
DISTRICT ATTORNEY

2019 OCT 23 AM 8:50

To: The Honorable Court

Judge Peter Forman

On Wednesday the 21 of October 2019  
Judge Peter Forman, Stated he was to  
Remove the charge of Trespass from  
the List of charges against the  
Defendant, Hudson. I Defendant Hudson  
Stated that removing the charge of  
Trespass would deny Defendant  
Robert Hudson his defense of  
title. When I stated this denial  
of Defendant's rights to Judge Forman  
with Defendant's Counsel, Thomas  
Angell. present, Judge Forman

2019 OCT 23 AM 9:07

RECEIVED

1

Just shrugged his shoulders and didn't answer. My public defender given as Council, Thomas Angell did not state one word against Judge Forman not speaking into the record. Defendant, Robert Hudson's objection to removal of the trespass charge is again made on the ground that all the two felonies and two misdemeanors were founded upon the criminal Trespass Charge and to remove the trespass Charge is to take away Defendants only Rightful defense. ALL the charges are based upon the trespass Charge.

The Dutchess County District Attorney put the Pine Plains Assessor on the Witness Stand to

be Little the worth and value of  
 Defendants' Dutchess County Delinquent  
 tax Land Sale deeds. The Court of  
 Appeals of New York has Noted "[t]he  
 purchaser of property at a tax sale \*\*\*  
 acquires a new and complete title  
 to the land under an independent grant  
 from the sovereign, a title free of any  
 prior claims to the property or  
 interests in it." (MELHN v. Hearn 60 NY.2d 944, 946)

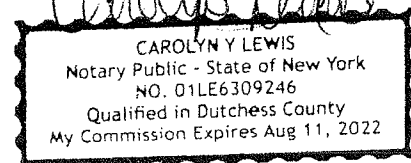
Defendant, Robert Hudson is denied  
 to enter the defense that the Grand  
 Jury indicted Defendant for. The  
 charge of Trespass must remain as  
 the basis of the charges Defendant  
 was indicted upon.

Sworn to before ME  
 this October 23, 2019

Respectfully,

Robert Hudson

Robert Hudson  
 254 Hicks Hill Rd  
 Stanfordville, N.Y.





# EXHIBIT 3

LIBER 1515 PAGE 634

634

This Indenture, made the 6<sup>th</sup> day of August, in the year one thousand nine hundred and seventy-nine

Between Dutchess County, a municipal corporation by its County Legislature, party of the first part,

—AND—

ROBERT HUDSON, of 3124 Webster Avenue, Bronx, County of New York 10467, part y of the second part.

Whereas, property in the Town of Pine Plains assessed to UNKNOWN for the year 1974 and described as follows: Grid No. 12-6770-00-316872-00 was sold to Dutchess County at tax sale on January 7, 1976, for \$52.96 for unpaid State, County, Town and School taxes, based on the 1974 tax roll, and not having been redeemed from such sale within the time prescribed by law, was deeded to Dutchess County on March 15, 1979, which deed was filed in the Office of the Dutchess County Clerk in Liber 1504 of Deeds at page 75, and

WHEREAS, the same property was sold to Dutchess County at tax sale on January 7, 1977, for \$54.42 January 6, 1978 for \$56.94; and January 5, 1979 for \$56.84; based on the tax levies of 1975, 1977 and 1977, respectively, and

WHEREAS, the taxes levied in December 1978 amounting to \$39.95 remain unpaid, and

Whereas, ROBERT HUDSON tendered to the Dutchess County Commissioner of Finance the sum of \$39.95 being the amount the County of Dutchess has invested in said property, together with the accrued interest and all other charges resulting from the above tax sale and requesting that the above parcel be quit claimed to ROBERT HUDSON

Whereas, the County Legislature of the County of Dutchess did, on the 11th day of April, 1979 adopt a resolution to the effect "That the County Executive and the Clerk of this County Legislature by, and they are hereby authorized, empowered and directed to make, execute and deliver, in the name of the County of Dutchess and the County Legislature of said County, as quit claim deed to the said. ROBERT HUDSON of any and all interest which the County of Dutchess may have acquired in and to said property by such tax sale", now, therefore

This Indenture Witnesseth, that the said party of the first part, in consideration of the said sum of Nine Hundred and no/100 (\$900.00) Dollars lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the part y of the second part his heirs and assigns forever.

All That Tract or Parcel of Land situate in the Town of Pine Plains

Dutchess County, New York described in a deed to the County of Dutchess from, M. PHILIP AMODEO

as Finance Commissioner of the County of Dutchess, dated March 15, 19 79 and recorded in the Dutchess County Clerk's office March 15, 1979 in Liber 1504 of deeds, page 75 as follows:

STATE OF NEW YORK (COUNTY OF DUTCHESS) SS:  
I, BRADFORD KENDALL, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, DUTCHESS COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON August 15, 1979  
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF  
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL



September 21, 2016

COUNTY CLERK & CLERK OF THE SUPREME & COUNTY COURTS, DUTCHESS COUNTY

35

Grid No. 12-6770-00-316872-00

Together with the appurtenances and all the estate and right of the party of the first part in and to said premises.

To Have and to Hold the premises herein granted unto the party of the second part, his heirs and assigns forever.

In Witness Whereof, the party of the first part has caused this instrument to be signed by the County Executive and Clerk of the County Legislature of the County of Dutchess and the seal of said County to be hereunto affixed the day and year first above written.

County of Dutchess

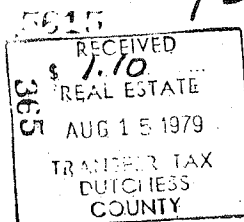
Lucille P. Pattison  
County Executive

Clerk, County Legislature

County of Dutchess  
State of New York

ss:

On this 6<sup>th</sup> day of August one thousand nine hundred and seventy-nine before me the subscribed personally came LUCILLE P. PATTISON and JOAN A. TRAVER to me personally known who being by me severally sworn each for himself deposes and says: the said LUCILLE P. PATTISON that she resides in the Town of Hyde Park Dutchess County, New York, and is the County Executive and the said JOAN A. TRAVER that he resides in the Town of Fishkill Dutchess County, New York, and is the Clerk of the County Legislature of Dutchess County, the municipal corporation described in and which executed the foregoing instrument; that they know the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed pursuant to resolution No. 195 of said County Legislature adopted April 11, 1979 and that they signed their names thereto pursuant to like resolution of said County Legislature.



Suzanne Ohlman  
Notary Public

SUZANNE OHLMAN  
NOTARY PUBLIC, STATE OF NEW YORK  
RESIDING IN DUTCHESS COUNTY  
NO. 4602000  
COMMISSION EXPIRES MAR. 30, 1981

DUTCHESS COUNTY CLERK'S OFFICE  
RECEIVED ON THE 15 DAY OF Aug., 1979  
AT 4 15 P. M. RECORDED IN  
BOOK 1515 OF Deeds  
AT PAGE 634 AND EXAMINED

William R. Stinsons CLERK

Aug 15 4 15 PM '79  
RECEIVED  
CLERK'S OFFICE  
DUTCHESS COUNTY

LIBER 1515 PAGE 632

632

This Indenture, made the 6<sup>th</sup> day of August, in the year one thousand nine hundred and seventy-nine

Between Dutchess County, a municipal corporation by its County Legislature, party of the first part,

—AND—

K & R ROBERT HUDSON, of 3124 Webster Avenue, Bronx,  
County of \_\_\_\_\_ and State of New York, 10467, part Y of the second part.

Mhrras, property in the Town of Pine Plains assessed to UNKNOWN

for the year 1974 and described as follows: Grid No. 12-6770-00-285878-00 was sold to Dutchess County at tax sale on January 7, 1976, for \$40.54 for unpaid State, County, Town and School taxes, based on the 1974 tax roll, and not having been redeemed from such sale within the time prescribed by law, was deeded to Dutchess County on March 15, 1979, which deed was filed in the Office of the Dutchess County Clerk in Liber 1504 of Deeds at page 75, and

WHEREAS, the same property was sold to Dutchess County at tax sale on January 7, 1977, for \$42.18; January 6, 1978 for \$43.94; and January 5, 1979 for \$44.27; based on the tax levies of 1975, 1977 and 1977, respectively, and

WHEREAS, the taxes levied in December 1978 amounting to \$27.96 remain unpaid, and

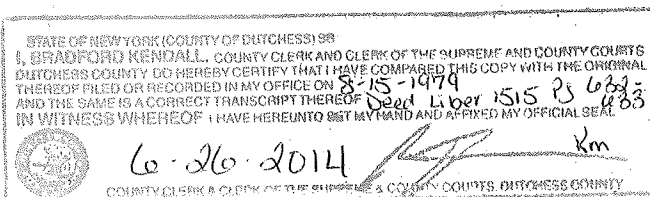
Mhrras, ROBERT HUDSON tendered to the Dutchess County Commissioner of Finance the sum of \$800.00 being the amount the County of Dutchess has invested in said property, together with the accrued interest and all other charges resulting from the above tax sale and requesting that the above parcel be quit claimed to ROBERT HUDSON

Mhrras, the County Legislature of the County of Dutchess did, on the 11th day of April, 1979 adopt a resolution to the effect "That the County Executive and the Clerk of this County Legislature by, and they are hereby authorized, empowered and directed to make, execute and deliver, in the name of the County of Dutchess and the County Legislature of said County, as quit claim deed to the said. ROBERT HUDSON

of any and all interest which the County of Dutchess may have acquired in and to said property by such tax sale", now, therefore

This Indenture Mitursarh, that the said party of the first part, in consideration of the said sum of EIGHT HUNDRED (\$800.00) ————— Dollars lawful money of the United States, paid by the part y of the second part, does hereby remise, release and quitclaim unto the party of the second part his heirs and assigns forever.

All That Tract or Parcel of Land situate in the Town of Pine Plains Dutchess County, New York described in a deed to the County of Dutchess from M. Philip Amodio as Finance Commissioner of the County of Dutchess, dated March 15, 1979 and recorded in the Dutchess County Clerk's office March 15, 1979 in Liber 1504 of deeds, page 75 as follows:



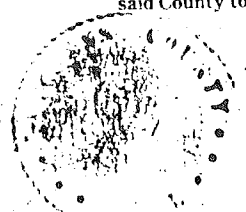
37

Grid No. 12-6770-00-285878-00

Together with the appurtenances and all the estate and right of the party of the first part in and to said premises.

To Have and to Hold the premises herein granted unto the party of the second part, his heirs and assigns forever.

The Witness Whereof, the party of the first part has caused this instrument to be signed by the County Executive and Clerk of the County Legislature of the County of Dutchess and the seal of said County to be hereunto affixed the day and year first above written.



County of Dutchess

*Lucille P. Pattison*  
County Executive

*Joan A. Traver*  
Clerk, County Legislature

County of Dutchess  
State of New York

ss:

On this 6th day of August one thousand nine hundred and

before me the subscribed personally came LUCILLE P. PATTISON and JOAN A. TRAVER

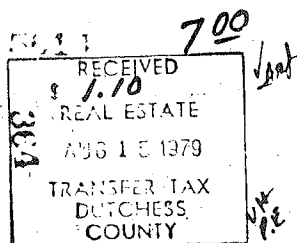
to me personally known who being by me severally sworn each for himself deposes and says: the said LUCILLE P. PATTISON that he resides in the Town of Hyde Park

Dutchess County, New York, and is the County Executive and the said JOAN A. TRAVER that he resides in the Town of Fishkill, Dutchess

County, New York, and is the Clerk of the County Legislature of Dutchess County, the municipal corporation described in and which executed the foregoing instrument; that they know the seal of said

corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed pursuant to resolution No. 195 of said County Legislature adopted April 11, 1979

and that they signed their names thereto pursuant to like resolution of said County Legislature.



*Suzanne Ohlman*  
Notary Public

SUZANNE OHLMAN  
NOTARY PUBLIC, STATE OF NEW YORK  
RESIDING IN DUTCHESS COUNTY  
NO. 4702866  
COMMISSION EXPIRES MAR. 30, 1981

633

DUTCHESS COUNTY CLERK'S OFFICE  
RECEIVED ON THE 15 DAY OF Aug. 1979  
AT 4 15 P. M. RECEIVED IN  
FROM 1515 OF Deeds  
AT 632 AND EXAMINED

15 AUG 633

*William R. Stinson*

38

RECEIVED  
CLERK'S OFFICE  
DUTCHESS COUNTY  
AUG 15 4 15 PM 79



# EXHIBIT 4

Supreme Court State of New York,  
Appellate Division Second Judicial Department

MOTION to DISMISS  
DUTCHESS COUNTY CRIMINAL COURT  
JUDGE PETER FORMAN

People of the State of New York  
-AGAINST-  
Robert Hudson, Defendant

MOTION TO ALLOW DEFENDANT  
TO  
TO SUBPOENA WITNESSES

MOTION FOR DEFENDANT  
TO REPRESENT HIMSELF WITH COUNSEL  
WITHOUT HENDERANCE

MOTION FOR FAIR AND SPEEDY TRIAL  
AND DUE PROCESS OF LAW  
INDEX No. 000136/2018

Charges against Defendant  
1<sup>st</sup> degree Criminal Contempt 215.51  
1<sup>st</sup> degree Criminal Contempt 215.51  
2<sup>nd</sup> degree Criminal Contempt 215-05-03  
2<sup>nd</sup> degree Criminal Mischief 145.10  
3<sup>rd</sup> Degree Trespass 140.10

To: the Honorable Court, Greetings,

LIST OF  
EXHIBITS

1.
    - a. June 22, 2019 N.Y.S. Unified Court System- Web Criminal- Dutchess County Defendant, Robert Hudson Docket # 00136-2018 case details appearances
    - b. February 25 2019 Case Details-Charges-Three Felonies, two Misdemeanors.
  - 2.. PSYCHIATRIC EXAMINATION SHOWING DEFENDANT IS ABLE TO DEFEND.
    - a. Dutchess County Department of Behavioral and Community Health FAX MEMO January 10, 2019 To: Hon David Humeston, - 1. Hon Humstons order for Psychiatric Examination of Robert Hudson Dated 12/8/2018. Town Court of Pine Plains dated 1/10/19 Re. 2. completed 730 EXAMINATION REPORTS from Kristan Hall, PPA- Office of Psychiatric Coordination -Certified Psychologist, Ellen Mark Psud ABPP 1/2/10. 2. Dept. of Behavioral and Community Health division of Mental Hygiene, Examiner Christopher St. Germain, Ph.D. Originals to follow.
- Hon. Humstons order 2. Examination Report 18-060019 -charge Criminal Contempt 1. et al

RECEIVED  
19 SEP 13 AM 10:59  
APPELLATE DIVISION  
SECOND DEPARTMENT

CONTINUED FROM PAGE 1

LIST OF  
EXHIBITS

3. DECISION AND ORDER OF N.Y.S. SUPREME COURT JUDGE PETER FORMAN  
Dutchess County Supreme Court, Petitioner, Robert Hudson Docket No. 1074-2017  
Petition under Highway Law Article 300-Private Road.- Decision and Order of Acting  
Dutchess County Supreme Court Judge J. Forman, Signed Peter M. Forman. Twp page  
notice of entry & 6 pages of Judge Forman's Order.
4. DEFENDANT'S LETTER TO N.Y.S. COURTS ADMINISTRATIVE JUDGE MARKS  
TO STOP MOTIONS BEING MADE UPON DEFENDANTS BEHALF.  
Robert Hudson Letter to chief Administrative Judge Laurence K. Marks, to stop Public  
Defender, Thomas Angell from taking Robert Hudson's right to defend himself. Letter  
mailed to Defendant, Robert Hudson's Sister while Defendant Robert Hudson was in the  
Dutchess County Jail and Robert Hudson's sister mailed letter to Marks by U.S. Certified  
Mail 7017 1450 0000 4287 7808-6 pages
5. Defendant's RIGHT TO ROAD SRTATMENT
6. a. DEFENDANT, SUBMITTED 2 COPIES OF PETITION OF 22 EXHIBITS TO  
DUTCHESS COUNTY CLERL WHO REFUSED TO DOCKET THE PETITIONS ON  
THE DAY THAT THE CLERK WAS GIVEN PETITIONS BY DEFENDANT  
Dutchess County Supreme Court 1074-2017 May 12, 2017 docket Sheet two pages.
- b. DEFENDANTS PETITION SUBMITTED WITH- REQUEST FOR JUDICIAL  
INTERVENTION WENT THROUGH FOUR (4) SUPREME COURT JUDGES AND  
ALMOST A YEAR LATER WAS NOT IBDEXED UPON THE 1074-2017 DOCKET  
SHEET  
Dutchess County Supreme Court 1074-2017 April 10. 2018 docket Sheet two pages.
- c. ENTRY OF 1074-2017 PETITION WAS MORE THAN A YEAR AFTER  
DEFENDANT FILED PETITION  
Dutchess County Supreme Court 1074-2017 July 11, 2018 Docket Sheet three pages.  
Each Docket Sheet IS Certified by the Dutchess County Clerk
- d. 1074-2018 REQUEST FOR JUDICIAL INTERVENTION FILED June 10,  
2018 with Petition for Private Road under Highway Law section 300  
Private Road and under N.Y.S. Constitution Section 7 (c) Private Road.

Exhibit 6 show that Petitioner Robert Hudson's N.Y.S. Constitutional statutory right to  
have a Jury Trial for Robert Hudson's private road has been denied by the N.Y.S. Appellate  
Division Second Judicial Department by refusing to allow the record upon appeal SUMMONED  
to be reviewed. The Appellate court stated that the record was not certified-but the Clerk of  
Dutchess Co. stated all records are submitted uncertified to the Appellate Division.

### Defendant Robert Hudson's Plea of Title

The Defendant Hudson pushed with one hand the wood fence that had been placed by Varney across the road to Defendant, Robert Hudson's home and estate, The Varneys blocked the Defendant's right of way over the only road to Defendants home and property..

The Pine Plains Justice Court Arraigned Defendant, Robert Hudson and at the Arraignment at the Town of Pine Plains Court the District Attorney stated that part of the Sebastian Varney Complaint against Defendant, Robert Hudson was for a (\$3500.00) Thirty Five Hundred dollar damage fee for Defendant Robert Hudson breaking the gate fence that Varney placed across the road to Defendant, Hudson's Home and Estate. The Defendant, Robert Hudson asked the Town of Pine Plains Justice Court for a copy of the complaint of Sebastian Varney and others but Defendant, Robert Hudson was denied the signed complaint by the Town of Pine Plains Court, and Denied by the Public Defenders Office a copy of all the criminal complaints and the accusations of complaints that were in the possession of the court. The same denial of allegations and complaints against Defendant, Hudson, were denied by Dutchess County Court Judge Mcloughlin and again denied by Dutchess County Court Judge, Peter Forman. This Defendant, Robert Hudson after a year still has no knowledge of the allegations and police reports against Defendant, Robert Hudson.

After the criminal charges against Robert Hudson were transferred to the Dutchess County Criminal Court, District Attorney made a motion to Dutchess County Court, Judge Forman that denied the Defendant Hudson was seen breaking the fence. Defendant Hudson had told the Public Defender, Thomas Angell that Robert Hudson had broken the fence

The Defendant, Hudson's property and the Trespass Complainant, Varney property were shown to be both part of one Common Grantors Land Sampson Sheldon Broughton in Dutchess county Deed Book Liber 2-b page 45. Under New York Jurisprudence Volume 61 TRESPASS TO TRUSTS 1968 The Lawyers Co-Operative Publishing Co. Westchester New York – Baker Voorhis and Co Inc. Mt. Kisco N.Y. – VII EVIDENCE Section 33 Generally. The broad rules of evidence in civil actions generally, which are discussed in detail in 21, 22, NY Jur. Evidence-are applicable in trespass actions, the discussion here being intended primarily relating to consider matters of evidence peculiarly relating to this type of action. A prima facia case in trespass is made out by showing that defendant's voluntary act directly produced the injury. In showing the title to maintain an action for trespass proof that the plaintiff was in possession and claiming title is sufficient prima face evidence to enable him to maintain the action, and no one but the true owner or one connected with the true owner in some way, may impeach such title Hoyt v Van Alstyne, 15 Barb 568. Recitals in an ancient deed that the grantors were the heirs of the original owner constituted sufficient evidence. Section 30 TITLE AND OTHER RIGHT Where a defendant has a right of way over certain land, he is not guilty of trespass in tearing down gates or removing a fence which interferes with the use of his right. New York State Court Of Appeals, Immaculate Conception Church v. Sheffer, 88 Hun 335, 34 NYS 724, affd. 156 NY 670, 50 NE 1118.

Dutchess County Court Judge Edward T. Mccloughlin ordered (DOCKET SHEET EXHIBIT 1) on December 19, 2018, Defendant Robert Hudson undergo psychiatric Examination. This was the third (3) Psychiatric exam ordered by the Courts in Dutchess County, regarding Defendants Trespass over the Complainant Varney Property in 40 Years (The



Dutchess County Psychiatric Examination Reports of Dr. St. Germain and Psychiatrist Marx, stated (EXHIBIT 2) that Robert Hudson was qualified to Defend Himself in a Court of New York. But when Defendant, Robert Hudson asked Judge Forman for a copy of the Psychiatric Report and Complaints against Defendant Robert Hudson. Judge Forman Denied the Defendants right to the allegations and Complaints against Defendant Robert Hudson.

Judge Forman further stated that Defendant would not be allowed to defend himself against the allegations of three felony and two misdemeanor charges against Defendant. Judge Forman Stated that Judge Forman's Friend, the head of the Public Defenders Office, Thomas Angell was to take Defendant's Right to Defend himself in a Court of Law against Defendant, Robert Hudson's objections.

The Dutchess County Public Defender, Thomas Angell, selected and assigned by Judge Peter Forman to not give Defendant Robert Hudson Counsel but to Represent, Robert Hudson, stated to Robert Hudson's Wife that Thomas Angell did not believe Defendant, Robert Hudson was capable of defending himself in a court of Law.. This communication to Defendants Wife was thereafter stated to defendant's children by defendant's wife was done to attack Defendant's Home and Family. The Public Defender Angell violated Defendants trust by spreading unfounded rumors to cause discord in Defendant, Robert Hudson's family. For Defendant Hudson's entire life defendant has always defended himself personally in a court of law.

Defendant Robert Hudson had never spoken to Public Defender Thomas Angell regarding the Charges Defendant is to be tried for and Public Defender, Angell has never allowed Defendant, Robert Hudson any of the Complainants Charges against Defendant, Robert Hudson. The Town of Pine Plains Criminal Court, and the Dutchess County Criminal Court and Public Defender Thomas Angell has never allowed Defendant, Robert Hudson to have the

written allegations of the complainants and Moneys claimed by Varney to be owed, that Robert Hudson was arraigned for in the Town of Pine Plains and later was never allowed the testimony of the Complainants against Defendant, Robert Hudson, that Defendant, Robert Hudson was indicted upon by the Dutchess County Grand Jury.

The Public Defender, Thomas Angell sent to Defendant Robert Hudson a letter that Defendant Had to appear in The Dutchess County Criminal Court on July 30, 2019. at 2:00 in the Afternoon. The Defendant Robert Hudson again appeared in the Dutchess County Criminal Court on July 30, 2019 at 10:25 in the Forenoon and a Document bearing Defendant Robert Hudson's name was stated submitted by a different Public Defender to the Dutchess County Criminal Court Judge Peter Forman. When Defendant went to the Public Defenders office and asked for a copy of the Papers that were submitted to the Dutchess County Criminal Court on behalf of Defendant, Robert Hudson the Public Defender denied Defendant, Robert Hudson a copy of papers submitted to the Court.

Under New York Digest 3<sup>rd</sup>.-279 New York State Constitutional Law KEY 255 (5) ' a defendant who is committed for observation as to his Mental capacity, is safeguarded in protection of his constitutional right of due process by statutory requirement that there be reasonable ground to believe that defendant is in such a state of idiocy, imbecility or insanity that he is incapable of understanding the proceeding or making his defense, Code of Criminal Procedure Section 870; People ex re] Schildhaus on behalf of Weinstein v. City Prison Borough of Manhattan Bellevue Hospital, 235 N.Y.S. 2d 531, 37 Misc. 2d 660.

The Court denied records of Arraignment, of Complainants Complaints, the Police Complaint Charges from the Town of Pine Plains, the Dutchess County Grand Jury indictment information, of Robert Hudson are denied to Defendant, Robert Hudson.

## Colonial Law of the New York Legislature General Assembly 1683

Under the Constitution of New York State Article 1 Section 14 “common laws and acts of the Colonial and state legislatures shall continue and be the law of this state”; Under the law of the colony of New York –First General Assembly, Held at Fort James City of New York. October 17, 1683 CHARTER OF LIBERTIES AND PRIVILEGES GRANTED BY HIS HIGHNESS TO THE INHABITANTS OF NEW YORKE October 30, 1683-“

1. THAT Noe freeman shall be taken or Imprisoned or be disseized of his freehold or Libertye or free customs or be outlawed or Exiled or any other wayes destroyed nor shall be passed upon adjudged or condemned But by the Lawfull Judgment of his peers and by the law of this province. Justice nor right shall be neither sold denyed or deferred to any man within this province.
2. THAT no man of what Estate or Condicon soever shall be put out of his lands or Tenements nor taken nor imprisoned, nor disinherited, nor banished nor any ways destroyed without being brought to Answer by Due course of Law.
3. THAT a ffreeman Shall not be amerced for a small fault, but after the manner of his fault and for a great fault after the Greatnesse thereof Saveing saving to him his freehold, and husbandman saving to him his Winage and a merchant likewise saving to him his merchandize And none of the said Amerciaments shall be assessed but by the oath of twelve honest and Lawfull men of the Vicinage provided the faults and misdaminors.
4. ALL Tryalls shall be by the verdict of twelve men, and as near as may be peers or Equalls And of the neighborhood and in the County Shire or Division where the fact Shall arise or grow Whether the Same be by Indictment Information Declaration or otherwise against the person Offender or Defendant.

5 . THAT from hence forward Noe Lands Within this province shall be Esteemed or accounted a Chattele or personall Estate but an Estate of Inheritance according to the Custome and practice of his Majesties Realme of England.

COLONIAL LAWS OF NEW YORK FROM 1664 TO THE REVOLUTION Volume 1 cover page and the Charter of Liberties and Privileges pages 111 through 116 and they are a true copy of this book on file in the Mount Vernon Public Library Signed Rodney E. Lee,  
Director of the Mount Vernon Public Library.

Robert Hudson Petitioner Stated to the 1074-2017 Court of (4) Four different Supreme Court Judges "Petitioner Robert Hudson's Dutchess County Petition Under Highway Law for a Road 1074/2017 was not to include Varney as a Defendant. But all 1074/2017 documents submitted to the Court, from the very first day submitted in Supreme Court Petition 1074/2017 were destroyed and they Brought Judge Forman to act as the Supreme Court Judge in the 1074/2017 action.

Third Constitution of New York State of 1846

and

Fourth Constitution of New York State of 1894

ARTICLE 1 Section 1 Persons not to be disfranchised - No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or Judgment of his peers.

ARTICLE 1 section 2. Trial by Jury preserved- The trial by Jury in all cases in which it has been heretofore used shall remain inviolate forever;

Judge Forman had entered a decision in Dutchess County Supreme Court in the Case of Robert Hudson v. the Town of Pine Plains Superintendent, 1074 CIV

2017. Judge Forman made Varney a party Defendant and entered a decision on behalf of Varney even when Petitioner Hudson denied that Varney could be included as defendant in Robert Hudson's civil complaint against the Town of Pine Plains Highway Superintendent. Judge Forman denied Petitioner Robert Hudson's 1074/2017 Request for Judicial Intervention under N.Y.S. CPLR 3102 and denied Robert Hudson's plea to keep Varney out of the 1074/2017 Private Road action and made a decision on behalf of the Defendant Varney. The same Varney who is now Complainant against Robert Hudson's Criminal complaint Dutchess County Court Index Number 000136/2018. The Dutchess County Supreme Court Petition ON APPEAL 1074/2017 was denied to be heard by the Appellate Division Second Judicial Department, who destroyed the petition from the court.

Defendant Robert Hudson made a motion to the Dutchess County Criminal Court Case No 000138/2018 to have Dutchess County Criminal Court Judge Peter Forman recusatio judicis (dismiss) himself, from the Criminal action proceeding against Defendant, Robert Hudson. Because Judge, Peter Forman acting as Dutchess County Supreme Court Judge in a Civil Action 1074/2017 for Robert Hudson's private road under New York State Highway Law Article 11 section 300 Private Road; and under the New York State Constitution Article 1 section 7 (c) Private road. "Private Roads may be opened in a manner prescribed by law; but in every case the necessity of the road and the amount of all damages to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceedings, shall be paid by the person to be benefited".



Judge Forman issued a Judgment and Order (EXHIBIT 3) on behalf of Defendant Varney (Varney who is now Complainant). in the Supreme Court Dutchess County Civil 1074/2017 Private Road Petition; and now Judge Peter Forman deprives Defendant Hudson in Dutchess County Criminal Court 000136 / 2018 where Defendant Hudson is charged with three Criminal felonies and two Criminal Misdemeanors fro trespassing upon the Complainant Varney road that Defendant Robert Hudson has used for over 40 Years.

A second Appeal of five pages was made to stop Dutchess County Public Defender, Thomas Angell from speaking or filing Motion papers for Defendant, Robert Hudson and was sent by certified mail to the New York State Courts Chief Administrative Judge Laurence K. Marx (EXHIBIT 4) to dismiss Public Defender Attorney, Thomas Angell who is subverting defendants right to speak in a court of law and making motion responses without Defendant, Robert Hudson's Permission. Thomas Angell has filed a Response to a Motion that was in opposition to Defendant, Robert Hudson's "PLEA OF TITLE, TO THE DEFENDANT'S ROAD". Defendant Robert Hudson asks to stop and deny Thomas Angell any right to speak for Defendant Robert Hudson in any court. Public Defender Angell never let Defendant Robert Hudson know what Angel's Motions Response to the District Attorney motion he had made was about. And for more than a year The Town of Pine Plains Justice Court, The Dutchess County Criminal Court and Public Defender Thomas Angel have never given Defendant, Robert Hudson the information regarding the charges that Defendant Hudson was arraigned upon or any of the Grand Jury testimony given at the indictment of Robert Hudson upon the 3 Felonies and 2 Misdemeanors charges. These Allegations are needed to form Defendants Defense.

Public Defender Thomas Angell stated he answered a motion by the Dutchess County District Attorney. without ever letting Defendant Robert Hudson know the content of what he

had written in the motions response. Even after the Public Defender Thomas Angell was told not to speak or answer any motion he was still filing Motion Papers without speaking to Defendant.

Defendant Robert Hudson's Plea, is a plea of title and right to Defendant Robert Hudson's Road over the Complainant's property that has been used by Defendant Robert Hudson over Varney Property, over the common grantors land for more than 40 years.

Public Defender Thomas Angell sent a letter to Defendant, Robert Hudson that required Defendant's appearance at the Judge Peter Forman court upon July 16, 2019. Defendant, Robert Hudson appeared in the Court of Judge Peter Forman but Defendant was never allowed to speak by Judge Forman. Public Defender Thomas Angel privately met with Judge Peter Forman in the Judges Chambers and Public Defender. Thomas Angel stated that Defendant, Robert Hudson had to appear in court on July 30, 2019 at 2:00 PM. When Defendant Hudson appeared in the Dutchess County Criminal Court on July 30, 2019 at 11:30 Defendant Hudson was told that there was no appearance for Defendant Hudson and that Defendant Hudson couldn't speak to Judge Forman and that a trial date was set for October 20, 2019 through November 4, 2019.

On July 16, 2019 Defendant, Robert Hudson had been called to Judge Forman's Court and asked if Defendant, Robert Hudson Could speak to the judge but was denied. On July 16, 2019 Defendant, Robert Hudson submitted the 11 Defense witness subpoenas including a subpoena for Carleton Varney to be signed and authenticated by an officer of the court. Thomas Angell refused to sign the Defendant, Robert Hudson subpoenas even though a trial date has been set.

The Dutchess County Judge Peter Forman has shown bias for the now Complainant Varney against Petitioner Robert Hudson in the civil Dutchess County Supreme Court Action 1074/2017 and now seeks to try Defendant Robert Hudson in Dutchess County Criminal Court

where Varney is the Complainant; and Public Defender, Thomas Angell have denied Defendant, Robert Hudson the right to speak or be heard in the court room where Defendant will defend himself in a criminal trespass action and the \$3500.00 complaint against Defendant Robert Hudson Trial By Jury.

## SUPREME COURT OF THE UNITED STATES

### DECISIONS ON ROAD ACCESS AND ADVERSE POSSESSION

An entry under claim of title What constitutes adverse possession, depends upon the nature of the situation of the property and the use to which it can be applied or to which the owner or claimant may choose to apply it Ewing v. Burnet, 11 Pet 41 – 91 ed 624. An entry under claim of title sufficiently shows an intention to oust from possession. Probst v. Domestic Missions, 129 US 182, S Ct. 263

The United States Supreme Court decided that an implied way of necessity arises where the owner of a parcel of land conveys and grants part to another, which leaves the remainder of the land without ingress or egress except over the land conveyed, Wagner v. Fairlamb, 151 Col 481, 379 P2d 165 cert den 375 US 879, 111ed 2d 110, 84 S. Ct. 149

Defendant, Robert Hudson, requests the Court for Relief

in the form of the following 4 requests

1. Dutchess County Court Judge, Peter Forman's order to have Public Defender, Thomas Angell, represent Defendant, Robert Hudson over Defendant, Robert Hudson's objections.. Thomas Angell for the reasons stated herein must be removed as it denies Defendant, Robert Hudson's N.Y.S. Constitutional right to Defend himself with Counsel and that

Judge Forman's order that Public Defender, Thomas Angell Represent Defendant or any Attorney to represent Defendant Robert Hudson be rescinded.

2. Defendant Robert Hudson requests the Court to remove Judge Peter Forman from being Judge in the Trial By Jury of the Criminal Charges against Defendant, Robert Hudson on the grounds that Judge Forman has already entered a decision in 1074/2017 against Defendant Robert Hudson and allowed Varney to be included as a Defendant, when Defendant Hudson never submitted any document to even mention Varney as a party Defendant and stated in the civil complaint that Varney was not to be a defendant in the Dutchess County Supreme Court civil action 1074 /2018,

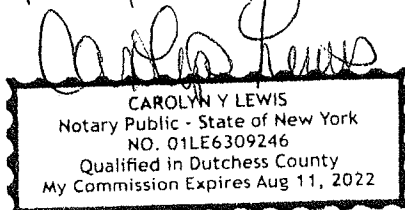
3. Defendant Hudson be allowed to present Defendant, Hudson's own case in the Courts of Dutchess County or any other Court where the Case will be tried.

4. That Defendant Hudson's Public Defender, Thomas Angell should be dismissed and that Defendant be allowed counsel that will not try to deny plaintiff's Plea of Title, but will give Defendant Hudson Council and sigh Defendant Hudson's Wittiness Subpoenas for trial.

Attached herewith is the Defendant's right to the road statement, (EXHIBIT 5) showing that Defendant Hudson's property and Complainant Varney property are both part of one property belonging to the Common Grantor Sampson Sheldon Broughton. And the 1936 Tax Roll of the Conservation Property to Varney's south showing the Road Hicks Hill Road runs across the southern boundary on the Varney Property (without Exhibits)

Dated: September 3, 2019 - Dutchess County

SWORN TO BEFORE ME ON this  
14th day of September 2019



Respectfully Submitted,

*Robert Hudson*  
Defendant, Robert Hudson  
254 Hicks Hill Road  
Stanfordville, New York - 12581



## New York State Unified Court System

## WebCriminal

## Case Details - Appearances

## CASE INFORMATION

Court: Dutchess County Court  
Case #: 00136-2018  
Defendant: Hudson, Robert F

Date/Time	Judge/Part	Calendar Section	Arraignment/Hearing Type	Court Reporter	Outcome/Release Status
07/16/2019	Forman, P PMF	COURT DECISION	No Type		
06/20/2019	Forman, P PMF	REPLY	No Type	Herrera, E	Adjourned Same Bail Conditions
05/21/2019	Hayes, M MGH	COURT DECISION	No Type	Calabrese, T	Adjourned Same Bail Conditions
03/14/2019	Forman, P PMF	REPLY	No Type	Herrera, E	Adjourned Same Bail Conditions
03/07/2019	Forman, P PMF	DA ANSWER	No Type	Roman, N	Adjourned Same Bail Conditions
02/21/2019	Forman, P PMF	FURTHER PROCEEDINGS	No Type	Calabrese, T	Adjourned Same Bail Conditions
01/29/2019	Forman, P PMF	FURTHER PROCEEDINGS	No Type	Dalzell, B	Defendant Fit To Stand Trial Same Bail Conditions
01/10/2019	Forman, P PMF	FURTHER PROCEEDINGS	No Type	Dalzell, B	Adjourned Same Bail Conditions
12/21/2018	McLoughlin, Edward T ETM	FURTHER PROCEEDINGS	No Type	None,	Adjourned Bond \$5,000 Cash \$10,000 (Not Posted)
12/20/2018	McLoughlin, Edward T ETM	FURTHER PROCEEDINGS	No Type	Decelestino, J	Adjourned Released under Supervision
12/19/2018	McLoughlin, Edward T ETM	ARRAIGNMENTS	Regular	Decelestino, J	Psychiatric Exam Ordered Released under Supervision
12/13/2018	McLoughlin, Edward T GRAND JURY	MISC	No Type		True Bill Released on Recognizance

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February 25, 2019

## New York State Unified Court System

## WebCriminal

## Case Details - Charges

## CASE INFORMATION

Court: Dutchess County Court  
Case #: 00136-2018  
Defendant: Hudson, Robert F

Charge	Detail	Disposition/Sentence
PL 140.10 0A	<b>B Misdemeanor, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Crim Trespass 3rd:enclsd Prop</i> Indictment Count: 5 Date Added: 12/13/2018	
PL 215.51 0D	<b>E Felony, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Crim Cont-1st:order/protection</i> Indictment Count: 2 Date Added: 12/13/2018	
PL 145.10 00 **TOP CHARGE**	<b>D Felony, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Criminal Mischief - 2nd</i> Indictment Count: 1 Date Added: 12/13/2018	
PL 215.51 0D	<b>E Felony, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Crim Cont-1st:order/protection</i> Indictment Count: 3 Date Added: 12/13/2018	
PL 215.50 03	<b>A Misdemeanor, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Crim Contempt-2nd:disobey Crt</i> Indictment Count: 4 Date Added: 12/13/2018	

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Received Fax :

Jan 10 2019 1:59PM

Fax Station :

Town of Pine Plains Court

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Jan. 10. 2019 1:20PM

No. 5388 P. 1

MARCUS J. MOLINARO  
COUNTY EXECUTIVEA.K. VAIDIAN, MD, MPH  
COMMISSIONER

## COUNTY OF DUTCHESS

DEPARTMENT OF BEHAVIORAL AND COMMUNITY HEALTH  
DIVISION OF MENTAL HYGIENE

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## FAX MEMO

Recipient Name:	Hon. David Humeston		Date:	1/10/19
Organization:	Town of Pine Plains Court			
Fax:	(518) 398-0227	Pages:	1	(including cover)
Re:	Completed 730 Reports			
From:	Kristin Hall, PPA - Office of Psychiatric Coordination			
Fax:	(845) 486-2882	Phone:	(845) 486-2884	
Comments:	originals to follow via U.S. mail			

10.10.2019 1:20PM  
 06 2018 10:26AM

Town of Pine Plains Court 518 398 0227

No. 5388

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C.P.L. Article 730  
 FORM 16-A  
 3/90

# ORDER FOR PSYCHIATRIC EXAMINATION

STATE OF NEW YORK  
 PINE PLAINS JUSTICE COURT  
 DUTCHESS COUNTY

PEOPLE OF THE STATE OF NEW YORK

VS.

ROBERT F. HUDSON, Defendant

ORDER FOR PSYCHIATRIC  
 EXAMINATION

Docket No.: 18060019  
 Indictment No.:

Statute/Section	Charge Text
PL 215.51 D	CRIM CONTEMPT-1
PL 145.10	CRIM MISCHIEF-2
PL 140.10 0A	CRIM TRESPASS 3

The above named defendant having been charged as listed above, and the Court being of the opinion that the defendant may be an incapacitated person,

NOW, THEREFORE, it is

ORDERED that, pursuant to Article 730 of the Criminal Procedure Law, the Director of Community Mental Health Services for the County of Dutchess shall cause an examination to be made of said defendant to determine whether said defendant, as a result of mental disease or defect, lacks capacity to understand the proceedings against him or her or to assist in his or her defense, and it is further

ORDERED that such examination be conducted in the manner specified in the paragraph checked below (check only one):

- ☒ 1. said defendant, having heretofore been released on bail or on (his) ~~(her)~~ own recognizance and not being in custody, such examination shall be conducted on an outpatient basis, and said defendant is hereby ordered to report for examination at a time and place to be designated by the said Director
- ☐ 2. ~~said defendant, being now in custody, such examination shall be conducted at the place where (he) (she) is being held, unless the Director shall determine that hospital confinement of the defendant is necessary for an effective examination, in which the (Sheriff) (Commissioner of Correction of the City of New York) is hereby directed to deliver the defendant to a hospital designated by the Director and to hold the defendant in custody therein, under sufficient guard, until the examination is completed, for a period not exceeding thirty (30) days (if the defendant subsequently has been released on bail, the foregoing paragraph (1) shall apply)~~

10. 2019 1:20PM

US 2018 10:26AM Town of Pine Plains Court 518 398 0227

No. 5388

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3/90

and it is further

ORDERED that upon the completion of said examination, reports thereof be submitted by the Director to this Court pursuant to section 730.20, subdivision 5, of the Criminal Procedure Law, and that the Clerk of the Court furnish a copy of said reports to the attorney for the defendant and to the District Attorney.

Dated: 12/8/2018

  
 Judge or Justice Hon. David G. Humeson

Please indicate relevant reason(s) for referral for:

	Art. 730 Eval	Probation Referral
Disruptive, confused or bizarre behavior	X	
Threatening or violent behavior		
Suicidal behavior		
Uncooperative with defense counsel	X	
Appears dishevelled; not taking care of self		
Appears not to understand charges or court processes	X	
History of past psychiatric problems		
History of drug or alcohol abuse		
History of suicidal behavior		
Extreme or bizarre type of offense		
Other:		

Persons who may be contacted for more information, if needed:

Judge: Hon. David G. Humeson

Phone: 518-398-7194

Defense Counsel: DC Public Defender Thomas N.N. Angell, Esq.

Phone: 845-486-2280

District Attorney: Sr. ADA Robert Knapp

Phone: 845-486-2300

Probation Officer:

Phone:

 COMMENTS OF THE COURT (if any): Robert Hudson, 254 Hicks Hill Road, Stanfordville, NY 12581  
 845-418-3382

BAIL CONDITIONS: Released on own Recognizance.

RETURN DATE, IF BAILED: January 2, 2019 at 4:00 pm

## ENDORSEMENTS

Hospitalization of Defendant not in Custody

TO: The above-named Court

This Court, having directed that the defendant be examined on an out-patient basis by reason of the defendant's being released on bail or on (his) (her) own recognizance, the Director now informs the Court that hospital confinement of the defendant is necessary for an effective examination, for the following

n. 10. 2019 1:20PM

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reasons: \_\_\_\_\_

and designates the following hospital \_\_\_\_\_

\_\_\_\_\_ for such an examination.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Director

The Court having directed that the defendant be examined on an out-patient basis by reason of the defendant's being released on bail or on (his) (her) own recognizance, and the Court having been informed by the Director that hospital confinement is necessary for an effective examination, the Court hereby directs the (Sheriff) (Commissioner of Correction of the City of New York) to take custody of the said defendant and to transfer (him) (her) to \_\_\_\_\_ hospital, for such examination, for a period not exceeding thirty (30) days.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge or Justice

Additional Hospital Confinement

TO: The above-named Court

The Director hereby applies for additional hospital confinement of the defendant for a period not to exceed thirty (30) days, for the following reasons: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Director

The Court being satisfied that a longer period is necessary to complete the examination of the defendant, the Court does hereby authorize hospital confinement of the said defendant for an additional period, not to exceed thirty (30) days, for such examination.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge or Justice



Jan 10 2019 11:59AM

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## Hospitalization of Defendant in Custody

TO: The (Sheriff) (Commissioner of the Correction of the City of New York)

The Director hereby determines that hospital confinement of the defendant is necessary for an effective examination and, pursuant to order of the Court herein, directs that you deliver the defendant to \_\_\_\_\_ Hospital and hold the defendant in custody therein, under sufficient guard, until the examination is completed, but not to exceed the period authorized by the Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Director

10.2019 1:21PM

No. 5388 P. 6

FORM ADR 704 (4-78)

State of New York  
(OMH - OMR & DD)\*

EXAMINATION REPORT  
(C.P.L. Article 730)

STATE OF NEW YORK  
TOWN OF PINE PLAINS COURT  
COUNTY OF DUTCHESS

THE PEOPLE OF THE STATE OF NEW YORK

VS

ROBERT F. HUDSON  
DEFENDANT

EXAMINATION REPORT

Docket No. 18-060019

Indictment No.

Information No.

Charge: Criminal Contempt - 1<sup>st</sup>  
degree, Criminal Mischief - 2<sup>nd</sup> degree, Criminal  
Trespass - 3<sup>rd</sup> degree

In violation of § 215.51D, 145.10, 140.10 0A

I, the undersigned, duly certified pursuant to law as a certified psychologist having been designated by Thomas Quinn, Ph.D., LCSW-R, Director of Community Services pursuant to an order signed by Hon. David G. Humeston, Judge of the Town of Pine Plains Court, Dutchess County, dated December 6, 2018, to examine the above-named defendant, pursuant to Article 730 of the Criminal Procedure Law, to determine if the defendant is an incapacitated defendant, have conducted such examination with due care and diligence.

The nature and extent of the examination was as follows: Data of personal identification; family history; personal history; medical & psychiatric history; personal behavior & functioning; intellectual functioning; orientation as to time, place & person; stream & content of thought; inquiry into psychotic phenomena (hallucinations & delusions); emotional response & relevancy; insight & judgment; knowledge of charges; understanding of proceedings & ability to assist in own defense.

I have come to the following opinion as a result of such examination:

It is my opinion that the above-named defendant does not as a result of mental disease or defect lack capacity to understand the proceedings against him or to assist in his defense.

(Continued)

Jan 10 2019 1:59PM

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Town of Pine Plains Court

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No. 5388 P. 7

FORM AHR 704 (4-78)

State of New York  
(OMH - OMR & DD)\*

## Page 2 - EXAMINATION REPORT (Psychiatric Examination, C.P.L. Article 730)

~~It is my opinion that the above named defendant is an incapacitated person in that the said defendant as a result of mental disease or defect lacks capacity to understand the proceeding against him or to assist in his own defense. My opinion is based on the following:~~

1. History and Clinical Summary, including Mental Status: *(Attach additional sheets if necessary)*

PLEASE SEE ATTACHED

2. Diagnosis:
3. Prognosis:
4. Reasons for my opinion, specifying those aspects of the proceedings wherein the defendant lacks capacity to understand or to assist in his own defense: *(Attach additional sheets if necessary)*

SIGNATURE: Ellen Marx Psy.D. ABPP  
Certified PsychologistDated: 1/2/19

Print Name Signed: Ellen Marx, Psy.D., ABPP

10. 2019 1:21PM

No. 5388 P. 8

**DUTCHESS COUNTY****DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH****Division of Mental Hygiene****Poughkeepsie, New York****Court-Ordered Psychiatric Examination per CPL Article 730***Attached to C.P.L. Article 730 State of New York FORM AHR 704*

**DEFENDANT:** Robert F. Hudson **DOB:** 7/20/1947

**EXAMINER:** Ellen Marx, Psy.D., ABPP **EXAM DATE:** 1/2/2019  
NYS Licensed Clinical Psychologist

**LOCATION:** Dutchess County Department of Behavioral & Community Health  
Mental Hygiene Division, 230 North Road, Poughkeepsie, NY 12601

**ORDERED AND SIGNED BY THE HON.:** David G. Humeston  
**COURT:** Town of Pine Plains

**CHARGES:** Criminal Contempt – 1<sup>st</sup> degree  
Criminal Mischief – 2<sup>nd</sup> degree  
Criminal Trespass – 3<sup>rd</sup> degree

**DATE OF EVALUATION AND NOTIFICATION:**

The defendant is a 71-year-old male who was seen on Jan. 2, 2019 at the Mental Health Clinic at 230 North Road. He arrived without a scheduled appointment asking to speak with the Principal Program Coordinator for 730 exams; she was unavailable, and so the writer met him at the reception desk. He then asked if the writer could meet with him then, which she was able to accommodate. He was informed that the information being provided was not privileged or confidential and that the results would be forwarded to the court. The reason for the evaluation was explained to the defendant, although he immediately disagreed with the phrase "to determine whether you are able to work with your attorney." He explained he was representing himself although a Legal Aid attorney had been appointed. He stated the exam was ordered "to determine if I'm qualified or able to defend myself in county court, (but) I have petitioned to have it heard in Supreme Court." He agreed to participate in the examination. Outside of the court documents and/or police depositions, no additional information was obtained for these evaluations that either confirms or disconfirms the defendant's account of events and self-report of relevant information.

**RELEVANT HISTORICAL INFORMATION:** The defendant stated he grew up in the Bronx and Brewster in an intact family. He denied a family history of mental health, substance abuse, or criminal issues. He has a wife "who sometimes lives with me." He has 4 adult children that he was proud to note were very successful in their careers and lives. He reports he lives "in a house on a mountain." He noted his land was reduced by the county, which apparently has led to his multiple legal complaints. He completed 2 years of college in order to become a BOCES teacher at the Carpentry Union District Council's School. When asked about his health, he stated he does not go to the doctor. He indicated he did go several months ago for sciatica, "but the doctor was no help." He denied a history of mental health treatment ("I've never had any problems"). He also believed being sent to this examination suggested his mental health was an issue and believed this referral was "a violation of the law." He denied a history of alcohol or drug problems and stated, "I had nothing for New Year's Eve."

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Defendant: Robert F. Hudson  
Examiner: Ellen Marx, Psy.D., ABPP  
Page 2

Date: 1/2/2019

**CLINICAL ASSESSMENT AND MENTAL STATUS EXAM:** Mr. Hudson arrived unscheduled for an appointment. He was dressed casually and was somewhat disheveled. Grooming was neglected. He limped and attributed this to his ongoing sciatica for which he would not be seeking follow-up care. Eye contact was normal. His demeanor was cooperative, but terse and forceful. He maintained his attention during the entire examination. Speech was verbose, coherent and rapid. Memory was assessed and found to be within normal limits. He was oriented to person, place, date, and circumstances. He does not appear to regulate his sleep and sees no need to. He reported his mood was "fine." Affect was dysphoric and anxious, but appropriate in range and congruent to content. He did not appear to be depressed. He denied past or current suicidal ideation or attempts, stating "no, I'm trying to keep going." He denied having anger control problems or ever being told he has a bad temper. His stream of thought was continuous and difficult to follow given his continual references to the current charges, past charges, and his attempts to move his cases to higher courts. Thought content was somewhat paranoid as he believes himself to be victimized. There were no signs of psychosis or delusional thinking. Executive functioning was not formally assessed but appeared to be at least average. Insight and social judgment were poor. He cannot distinguish socially acceptable from unacceptable behaviors and seems indifferent to the impact of his behavior on others.

**FORENSIC ASSESSMENT:** The defendant referred to his repeating similar charges over the years as "a routine I go through often." He knew he was charged with Trespass ("always the same person"). He acknowledged there was an Order of Protection on this person's behalf. When prompted to comment on the charge of property damage as he had not mentioned it, he knew what was being referred to, but stated, "I remove any obstructions to the road." He knew a felony was more serious and that the charge of "Harassment" was "serious." He did not expect to be found guilty. He frequently referenced appealing his cases to higher courts and up to the NYS Supreme Court or Attorney General. He held a wealth of legal information. His paranoia and hostility to the court system was apparent in his beliefs that the Dutchess Co. Clerk "altered and destroyed my certified record to block my appeal;" that "all people in the community are under arrest" because the State Police broke into his home to remove his rifles; that the DA is an agent of the Attorney General; and that the stenographer alters transcripts. His factual knowledge of the nature and object of the proceedings was adequate. He listed all the officers of the court and their roles, but insisted he was the only important person in the court process. He intends to defend himself and stated "I do not wish (the Legal Aid attorney) to be near me at this time - only in court. I present the case, but it is best to have 2 heads." He intends to go to trial and select jurors himself. He understood what a plea bargain was but stated, "It doesn't exist in my vocabulary; you should go through with the proceeding and not reduce charges." He also intends to testify on his own behalf.

**SUMMARY:** At the time of this report, the defendant presents a rational, albeit rigid and fixed, appraisal of his situation despite repeating the behaviors which lead to his arrest. He can provide an account of his behavior. His appraisal of likely outcomes seems based on the outcomes of previous experiences in court and thus leads him to reject a plea bargain, for example. I considered whether his paranoid personality traits, cavalier repetitive pattern of infringement on the rights of his neighbor, and no consideration of alternatives or consequences could indicate a mental impairment but find these personality traits do not impair his ability to rationally proceed in court. There are no cognitive deficits or delusions associated with mental illness.

#### IN CONCLUSION:

**CAPACITATED:** It is my opinion that the above-named defendant does not, as a result of mental disease or defect, lack the capacity to understand the court proceedings or assist in his own defense

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.. 10. 2019 1:21PM

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FORM AHR 704 (4-78)

State of New York  
(OMH - OMR & DD)\***EXAMINATION REPORT**  
(C.P.L. Article 730)STATE OF NEW YORK  
TOWN OF PINE PLAINS COURT  
COUNTY OF DUTCHESS

THE PEOPLE OF THE STATE OF NEW YORK

VS

ROBERT F. HUDSON  
DEFENDANT**EXAMINATION REPORT**

Docket No. 18-060019

Indictment No.

Information No.

Charge: Criminal Contempt - 1<sup>st</sup>  
degree, Criminal Mischief - 2<sup>nd</sup> degree, Criminal  
Trespass - 3<sup>rd</sup> degree

In violation of § 215.51D, 145.10, 140.10 0A

I, the undersigned, duly certified pursuant to law as a certified psychologist having been designated by Thomas Quinn, Ph.D., LCSW-R, Director of Community Services pursuant to an order signed by Hon. David G. Humeston, Judge of the Town of Pine Plains Court, Dutchess County, dated December 6, 2018, to examine the above-named defendant, pursuant to Article 730 of the Criminal Procedure Law, to determine if the defendant is an incapacitated defendant, have conducted such examination with due care and diligence.

The nature and extent of the examination was as follows: Data of personal identification; family history; personal history; medical & psychiatric history; personal behavior & functioning; intellectual functioning; orientation as to time, place & person; stream & content of thought; inquiry into psychotic phenomena (hallucinations & delusions); emotional response & relevancy; insight & judgment; knowledge of charges; understanding of proceedings & ability to assist in own defense.

I have come to the following opinion as a result of such examination:

It is my opinion that the above-named defendant does not as a result of mental disease or defect lack capacity to understand the proceedings against him or to assist in his defense.

(Continued)



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No. 5388 P. 11

FORM AHR 704 (4-78)

State of New York  
(OMH - OMH & DD)\*

## Page 2 - EXAMINATION REPORT (Psychiatric Examination, C.P.L. Article 730)

~~It is my opinion that the above-named defendant is an incapacitated person in that the said defendant as a result of mental disease or defect lacks capacity to understand the proceeding against him or to assist in his own defense. My opinion is based on the following:~~

1. History and Clinical Summary, including Mental Status: *(Attach additional sheets if necessary)*

PLEASE SEE ATTACHED

2. Diagnosis:
3. Prognosis:
4. Reasons for my opinion, specifying those aspects of the proceedings wherein the defendant lacks capacity to understand or to assist in his own defense: *(Attach additional sheets if necessary)*

SIGNATURE: \_\_\_\_\_

Certified Psychologist

Dated: \_\_\_\_\_

1/7/19

Print Name Signed: Christopher St. Germain, Ph.D

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No. 5388 P. 12

**DUTCHESS COUNTY****DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH**

Division of Mental Hygiene

Poughkeepsie, New York

Court-Ordered Psychiatric Examination per CPL Article 730

Attached to C.P.L. Article 730 State of New York FORM AHR 704

**DEFENDANT:** Robert Hudson **DOB:** 7/20/1947

**EXAMINER:** Chris St. Germain, Ph.D.  
NYS Licensed Clinical Psychologist **EXAM DATE:** 1/7/2019

**LOCATION:** Dutchess County Department of Behavioral & Community Health  
Division of Mental Hygiene, 82 Washington Street, Poughkeepsie NY 12601

**ORDERED AND SIGNED BY THE HON.:** David G. Humeston  
**COURT:** Town of Pine Plains

**CHARGES:** Criminal Contempt – 1<sup>st</sup> degree  
Criminal Mischief – 2<sup>nd</sup> degree  
Criminal Trespass – 3<sup>rd</sup> degree

**HISTORY AND CLINICAL SUMMARY:**

The defendant is a 71-year old male seen at 82 Washington Street on January 7<sup>th</sup>, 2019 for a 730 evaluation. The reason for the evaluation and lack of confidentiality was explained to the defendant. He was informed that a report would be issued to the judge. He was asked to explain in his own words what was said about the purpose of the examination, which he was able to do. He indicated agreement to participate in this evaluation and stated that he has attended multiple 730 evaluations in the past.

**Historical Information:**

Mr. Hudson was evasive on several occasions when he was asked about his personal history for the evaluation. He stated more than once "I don't know why you need to know that" and "that has nothing to do with the assessment of my capacity." When attempts were made to explain the rationale of obtaining this information for the assessment, Mr. Hudson appeared momentarily more cooperative. According to his report, Mr. Hudson was born in New York State and he was raised with married parents and multiple siblings (though he would not state how many). He received his high school equivalency diploma when he was approximately 18yo and then he joined the US Marine Core. He remained in the Marine Core for two years and worked in communications. He states that he attended one year of college classes at Lehman College and 1 ½ years at City College. Mr. Hudson reports that he was employed as an architectural metal and wood worker. He reports that his last full-time employment was at age 58. Mr. Hudson reports that he has been married for approximately 50 years. His wife currently lives in the Bronx and he resides by himself. He did not provide the reason for this difference of residence. The couple has four kids and 9 grandchildren. Mr. Hudson reports that he remains in contact with members of his family.

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Defendant: Robert Hudson  
Examiner: Christopher St. Germain, Ph.D.  
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Date: 1/7/2019

With regards to health, Mr. Hudson reports that his health is "alright" and appeared to delight in saying that he was physically doing better than many others his age. He denies any long standing medical concerns or significant surgeries, though he does report a history of sciatica and leg pain. He denies any history of substance abuse, mental health conditions, or treatment. He denies any suicidal/homicidal/self-injurious ideation, plan, or intent. He denies that he takes any medications at this time.

Mr. Hudson reports that he has a history of arrests, with 10-15 of them having to relate to similar circumstances as his current legal charges. He did not report the other types of charges/convictions that he has had in the past.

**Mental Status exam:** Mr. Hudson arrived early to his assessment. He reported that he came directly from the Bronx. While Mr. Hudson was friendly on the way to the assessment room, signs of limited engagement, rigid thinking, and suspicion were quickly evident. His pattern of participation in the assessment appeared to go back and forth between full cooperation to significant evasiveness. This pattern of guardedness continued throughout the assessment, particularly when Mr. Hudson was asked questions that he personally did not deem relevant to the assessment. During this times Mr. Hudson would directly say "I'm not going to answer that because it doesn't have anything to do with my judicial capacity," or he would deflect by engaging in tangential dialogues. Despite his hesitance to participate fully, Mr. Hudson demonstrated a clear understanding of the questions being asked of him and responses to the questions he did answer were relevant and appropriate. He was alert and engaged throughout the assessment and did not demonstrate any signs of responding to internal stimuli. His affect remained stable and, at times, appeared to reveal moments of frustration or pain due to discomfort in his leg. He did not appear depressed or psychotic. He presented with an appropriate rate of speech and a generally strong vocabulary. The pacing of his thought process was typical and his voice was appropriate in volume, tone, and cadence. Mr. Hudson showed no signs of emotional volatility or even fluctuations. He appeared focused. Mr. Hudson was oriented to person, place, and time. Interestingly, Mr. Hudson made it clear that he had obtained information about this evaluator prior to today's assessment, including previous place of employment. This is not typical. Mr. Hudson was asked to participate in an immediate memory task. He was asked to repeat the words "bird," "table," and "green" which he did successfully. He was also able to accurately recall these words minutes later when his delayed memory was assessed. Mr. Hudson was asked to complete a serial 7's attention task which he also completed successfully and quickly. His performance on the mini mental status exam showed no indications of significant impairment.

**In terms of adjudicative competence:** Mr. Hudson was able to demonstrate basic adjudicative understanding during this evaluation. He was asked to describe the people in a court room to which he stated "there are several people that can be in a court room, and that number becomes reduced when you think about the number of people actually involved in the legal proceedings." He then went on to discuss how most of the language used in court rooms is French in origin and not English. He was redirected back to the assessment. He mentioned that a court room can include a prosecutor/district attorney, judge, stenographer, and defense counsel. He described the role of the prosecutor as "someone whose role is to bring criminal defendants to court and find him, through evidence, guilty of a crime." The judge "the conductor of the court, directs what is or is not admissible and charges the jury with what they are to ascertain based on the evidence of the case." The defense counsel "are supposed to represent you in the court room in order to be a support and present your case." He went on to say "being represented by an attorney can have a crippling effect...it takes away your own opportunity to present facts as you see them and takes away your voice in the room." When asked

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No. 5388 P. 14

Defendant: Robert Hudson  
Examiner: Christopher St. Germain, Ph.D.  
Page 3

Date: 1/7/2019

whether or not he currently has an attorney, Mr. Hudson stated "yes I have an attorney. You have an attorney. We are all our own attorneys. It is within us." When asked again, Mr. Hudson stated that he does not "have counsel at this time."

Though he was evasive at times, demonstrated some patterns of rigidity of thought, expressed mild paranoia, and was at times provocative, Mr. Hudson does demonstrate an understanding of the legal system, court proceeding, and legal players involved in his case. There was no indication of significant mental illness or biological defect that would greatly hinder his ability to participate appropriately in the court process.

Given the above, this evaluator believes the defendant did demonstrate an understanding of the roles of the various participants of the courtroom, the courtroom procedures, and the likely outcomes.

### IN CONCLUSION

**CAPACITATED:** It is my opinion that the above-named defendant does not, as a result of mental disease or defect, lack the capacity to understand the court proceedings or assist in his own defense

CS/kh



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESS

-----X  
ROBERT HUDSON,

Petitioner,

NOTICE OF ENTRY

- against -

Index No. 2017-1074

HEATHER M. WILSON, SUPERINTENDENT  
OF HIGHWAYS, TOWN OF PINE PLAINS,  
CARLETON B. VARNEY, NICHOLAS L.  
VARNEY and SEBASTIAN VARNEY,

Assigned Judge:  
Hon. Peter M. Forman, A.J.S.C.

Respondent .

-----X  
S I R S :

PLEASE TAKE NOTICE that the within is a true and accurate copy of the Decision,  
Order and Judgment of the Supreme Court, Dutchess County, dated July 2, 2018 and entered in  
the Office of the Dutchess County Clerk on July 9, 2018..

DATED: July 11, 2018

Yours, etc.

WARREN S. REPLANSKY, P.C.

By: 

WARREN S. REPLANSKY, ESQ.

*Attorney for Defendants*

Attorney for Defendant

PO Box 838, 60 East Market Street

Rhinebeck, New York 12572

845-876-7979



TO:

**ROBERT HUDSON**

*Petitioner Pro Se*

254 Hicks Hill Road

Stanfordville, New York 12581

**PAUL QUARTARARO, ESQ.**

*Attorney for Proposed Intervenor-Respondents*

PO Box 65, 3278 Franklin Avenue, Suite 5

Millbrook, New York 12545

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESS

-----X  
ROBERT HUDSON,

Petitioner,

-against-

**DECISION, ORDER AND  
JUDGMENT**

Index No. 1074/2017

HEATHER M. WILSON, SUPERINTENDENT  
OF HIGHWAYS, TOWN OF PINE PLAINS,  
CARLETON B. VARNEY, NICHOLAS L. VARNEY,  
and SEBASTIAN VARNEY,

Respondents.

-----X  
FORMAN, J., Acting Supreme Court Justice

The Court read and considered the following documents upon this motion to dismiss the

Petition:

**PAPERS NUMBERED**

NOTICE OF MOTION (Varney).....	1
AFFIDAVIT.....	2
EXHIBITS.....	3
MEMORANDUM OF LAW.....	4
AFFIRMATION IN SUPPORT (Town).....	5
EXHIBIT.....	6
AFFIDAVIT.....	7
PETITIONER'S RESPONSE (to Varney).....	8
AFFIDAVIT.....	9
EXHIBITS.....	10
PETITIONER'S ANSWER (to Town).....	11
EXHIBITS.....	12
PETITION.....	13
EXHIBITS.....	14
APPENDIX.....	15

Petitioner Robert Hudson owns two contiguous parcels of land-locked real property in the Town of Pine Plains (the "Premises"). The Premises is approximately 21.7 acres in size. Petitioner acquired title to the Premises in 1979, by a tax deed from the Commissioner of Finance of Dutchess County.

The Varney Respondents own a 155-acre parcel of real property that abuts the western border of the Premises. The Varney property has frontage on Hicks Hill Road, which is a public highway owned and maintained by the Town of Pine Plains.

The Varney family has owned the Varney property since 1972. Respondent Sebastian Varney currently resides on the Varney property.

There is a long history of litigation between Petitioner and the Varney family, the focus of which has been Petitioner's desire to gain access to the land-locked Premises over the Varney property. Specifically, Petitioner has attempted to gain this access by relying upon a purported easement over the Varney property based upon an original land grant dating from the mid-1700's. This contentious litigation history includes at least two actions in Dutchess County Supreme Court, and at least three criminal prosecutions.

The first Supreme Court action was commenced by the Varney family in 1984, accusing Petitioner of trespass [Varney v. Hudson, Index No. 2300/1984]. By Order dated December 21, 1984, the Court (Beisner, J.) rejected Petitioner's easement claim, and granted the Varney family's application for an injunction permanently enjoining and restraining Petitioner from entering and trespassing on the Varney property.

Less than five years later, the first criminal prosecution took place in the Town of Pine Plains Justice Court. On August 16, 1989, Town Judge George L. Tenore found Petitioner guilty of Trespass and other related charges. During sentencing, Judge Tenore directed Petitioner to "adhere strictly" to the December 21, 1984 Order.

Approximately five months later, on October 26, 1989, Petitioner was arrested and again charged with Trespass and related crimes on the Varney property. During the ensuing jury trial, Petitioner asserted that the Premises was entitled to an easement over the Varney property based upon the original Nine Partners Land Grant, which had been issued in the mid-1700s. The prosecutor introduced public records, and elicited expert testimony, refuting this claim. The jury ultimately convicted Petitioner of all charges.

On June 6, 1990, Judge Tenore imposed a sentence of 3 years probation. In addition to the general conditions of probation, Judge Tenore also imposed a special condition prohibiting Petitioner from trespassing on the Varney property.

Approximately two months later, on August 31, 1990, Petitioner commenced an action pursuant to Article 15 of the Real Property Actions and Proceedings Law [Hudson v. Varney, Index No. 3717/1990]. This quiet title action sought a declaration that the Premises benefitted from an easement over the Varney property. By Decision and Order dated July 18, 1991, the Court (Jiudice, J.) granted the Varney family's motion to dismiss the action. Specifically Judge Jiudice held that Petitioner's easement claim over the Varney property was barred by the doctrines of res judicata and collateral estoppel. That determination was subsequently affirmed on appeal [Hudson v. Varney, 196 AD2d 856 (2d Dept. 1993)].

Over the following years, Petitioner has been arrested several times for trespassing on the Varney property.<sup>1</sup> Most recently, in 2017, Petitioner was convicted of Criminal Trespass in the Third Degree after trial in the Town of Amenia Town Court.<sup>2</sup>

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<sup>1</sup> In a June 5, 2017 federal court filing, Petitioner estimated that he has been arrested "more than 10 times" for trespassing on the Varney property [Hudson v. Miano, 12 Civ. 5548 (KMK)].

<sup>2</sup> The case was transferred from the Town of Pine Plains Town Court to the Town of Amenia Town Court following the recusal of both judges in Pine Plains.

On May 15, 2017, Town Judge Norman Moore sentenced Petitioner to 90 days jail. Judge Moore also issued a Final Order of Protection, which prohibits Petitioner from entering the Varney property.<sup>3</sup>

On or about March 2, 2017, Petitioner filed an application for the establishment of a private road across the Varney property, running from Hicks Hills Road to the Premises. This application was filed with the Town of Pine Plains Highway Superintendent, pursuant to the private condemnation provisions of Highway Law §300, et seq. (the “Application”).

On May 9, 2017, Petitioner commenced this proceeding seeking a writ of mandamus compelling the Town and the Highway Superintendent to schedule a jury trial in the private condemnation proceeding. By Decision and Order dated August 20, 2017, the Court (Sproat, J.) granted the Varney motion to intervene in this proceeding.

The Varney Respondents now move to dismiss this proceeding on the grounds, *inter alia*, that the proposed private road would encroach on DEC-regulated wetlands. The Varney Respondents also move to dismiss this proceeding on the grounds that the proposed private road would encroach on woodlands that are dedicated to a forestry plan pursuant to Real Property Tax Law §480-a.

The Town Respondents also move to dismiss on the grounds, *inter alia*, that Petitioner has not established that he has a clear legal right to the relief that he seeks in this proceeding. Specifically, the Town Respondents assert that the Application was “confusing, inconsistent and, in many ways, incoherent” [Replansky, ¶6]. The Town Respondents also assert that “it was difficult to discern the length, width and actual location of his requested private road.” The Town Respondents also assert that it was unclear what impact the lengthy and contentious litigation

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<sup>3</sup> Petitioner was released pending the outcome of his appeal from that conviction.

history between the parties would have on the Application. Finally, the Town Respondents assert that Petitioner commenced this proceeding before a determination could be made as to whether the Application satisfied the requirements of Highway Law §300, et seq.

For the reasons stated herein, the motion to dismiss is granted.

#### DISCUSSION

“Highway Law §300 requires that an application for a private road specify its width and location, courses and distances, and the names and owners and occupants of the land through which it is proposed to be laid out.” [Matter of Siwula v. Town of Hornellsville, 56 AD3d 1253 (4th Dept. 2008)]. “The purpose of the description requirement is to enable the owner to know what portion of his lands it is the petitioner’s intent to acquire, and the jury to determine whether the road is necessary and if so what damages to assess.” [Matter of Pratt v. Allen, 116 Misc.2d 244, 248 (Sup. Court, Chemung County 1982)]. *See also* Matter of Preserve Associates, LLC v. Nature Conservancy, Inc., 35 Misc.3d 351, 360 (County Court, Franklin County 2011)].

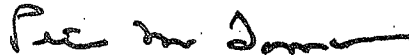
The granting of mandamus relief “is discretionary, and should be denied if there is any doubt of its necessity or propriety.” [Towner v. Jimerson, 67 AD2d 817, 818 (4th Dept. 1979)]. “Although mandamus will not issue unless the right which it is designed to enforce is clear, it does not follow that it necessarily issues upon the mere establishment of this right.” [*id.* at 818]. “There may be considerations calling for the denial of the relief in the exercise of the court’s discretion, which may be based upon the impossibility of obedience or futility of performance.” [*id.* at 818].

Here, there is substantial doubt as to the necessity of the requested mandamus relief. No evidence has been presented suggesting that the Town unnecessarily delayed consideration of the

Application, particularly given the “confusing, inconsistent and.. incoherent” nature of the information contained within it. Respondents have also demonstrated that the Application cannot be granted as currently proposed because the Department of Environmental Conservation has not issued the necessary wetlands permit, nor has the Department of Environmental Conservation approved the modified forestry plan that would be required to construct the proposed private road. Finally, there is substantial doubt as to the propriety of this application, given Petitioner’s 30-year history of trespassing on the Varney property, in blatant violation of multiple court Orders, resulting in his repeated arrest and criminal prosecution. Based on the foregoing, it is hereby

ORDERED, ADJUDGED AND DECREED, that the Verified Petition is dismissed.

Dated: Poughkeepsie, New York  
July 2, 2018



---

HON. PETER M. FORMAN, A.J.S.C.

TO: Robert Hudson  
Petitioner Pro Se  
254 Hicks Hill Road  
Stanfordville, New York 12581

Warren S. Replansky, P.C.  
Attorney for Respondent  
PO Box 838  
60 East Market Street  
Rhinebeck, New York 12572

Paul Quartararo, Esq.  
Attorney for Proposed Intervenor-Respondents  
PO Box 65  
3278 Franklin Avenue, Suite 5  
Millbrook, New York 12545





To: The Chief Administrative Judge  
of the Courts of the State of  
New York; Lawrence K. Marks

To: the Honorable Judge  
Greetings,

I am defendant, Robert Hudson  
in the Dutchess County Criminal  
Court, Dutchess County Court. I  
now, am now charged with three  
Felonies and two Misdemeanors  
in an action for trespass. I have  
Told the court in the County of  
Dutchess that I am self represented,  
and have the court of Dutchess  
County-Denying my right to  
Defend myself in a court of  
Law.

The Public Defender has said  
He wanted to represent me the  
Defendant. As the Defendant I  
Told the Public Defender that  
I, Defendant Robert Hudson will  
Defend Myself and that the

Public Defender will please give Defendant Counsel to Assist Defendant in preparing Defendants Plea of Title Defense for Trial BY Jury Demanded.

Both the Judge Peter Forman And Public Defender Thomas Angle have both told Defendant, Robert Hudson that the Public Defender, Thomas Angle will take Defendant, Robert Hudson's right to SELF REPRESENTATION.

Defendant, Robert Hudson has passed the EXAMINATION by two Dutchess County Agents. The two Dutchess County Agents have stated in written opinions that Defendant Robert Hudson was qualified to defend Himself.

Judge Forman of the Dutchess County Court and the head of the Public Defenders Office have both said that Defendant Robert Hudson <sup>may not</sup> present his own Defense and self Represent himself.

Defendant Robert Hudson is presently

in the Dutchess County Jail; where the Mental Health Examiner has stated that Defendant Robert Hudson had to take a mental Health Examination on May 29, 2019 and sign documents to allow the Mental Examination.

Defendant, Robert Hudson refused to sign any papers and refused to take the Mental Health Examination.

On the following day Defendant was brought back to the Dutchess County mental Health Examiners Office

and to sign a statement that Defendant had refused to allow the Mental

Health Examination. Defendant refused to sign any Mental Health Examination documents. It is a violation of the

institution of the State of New York to place a Citizen in Prison for Psychiatric Observation without reason to believe that Defendant was not capable to defend himself.

Everytime Public Defender, Thomas Angel speaks to Defendant,

Robert Hudson it is to have Robert Hudson turn over Defendant's Robert Hudson right to speak in a court of Law as a self Represented Citizen.

Thomas Angel has stated to Defendant that he would have a N.Y.S. Surveyor From Dutchess County lay out an Easement to Defendant Robert Hudson's home and property. N.Y.S. Executive Law states that an Easement is less than an Estate; in Fee an Estate of inheritance.

From Jail Robert Hudson has attempted to perfect a Notice of Motion And Affidavit on motion to the New York State Supreme Court Division Second Judicial Department which has been sent:-  
To have Judge Peter Forman recuse himself from the criminal Court Complaint against Robert Hudson.

The Dutchess County Public Defenders Office has sent ~~the~~



a private investigator to investigate Defendant Robert Hudson's friends.

Defendant Robert Hudson did not authorize the Public Defender's, Private Investigator and he does not work for Defendant.

The private Investigator is not needed for Robert Hudson's Defense.

Defendant, Robert Hudson is Representing himself. The Public Defender Thomas Angel ~~EL~~ does not have any right to Represent Defendant, Robert Hudson and has been told that Thomas Angel does not have any right to file any document or motion upon Defendant Hudson's behalf.

1. Defendant, Robert Hudson Requests that Defendant may Proceed to trial without the Dutchess County Court denying Defendant's right to Represent Himself.

2. Defendant requests a copy of the Grand Jury proceedings At Least two days before trial

3. Defendant Request that his subpoenas be Signed by an officer of the Court before Trial

Dated: Dutchess County Jail  
June 4, 2019

Respectfully Yours,

5 (85)

Robert Hudson

7017 1450 0000 9287 7808

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.05
Sent to Chief Administrative Judge NY Street and Apt. No., or PO Box No. 25 Beaver ST City, State, ZIP+4® New York NY 10004	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

0527 04  
Postmark Here  
06/12/2019

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5

CRIMINAL COURT-COUNTY COURT  
COUNTY OF DUTCHESS

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PEOPLE OF THE STATE OF NEW YORK,

N.Y.S. Dutchess County Criminal Court  
INDEX NUMBER

\_\_AGAINST

000136 / 2018

ROBERT HUDSON, DEFENDANT>

---

RIGHT AND TITLE TO HICKS HILL ROAD REAR  
OVER THE COMMON GRANTOR'S LAND  
COMMON GRANTOR - LOT #8 SAMPSON SHELDON BROUGHTON

EXHIBITS

1. LETTERS PATENT – LITTLE NINE PARTNERS

Original DUTCHESS COUNTY LITTLE NINE PARTNERS PATENT, GRANTEE BROUGHTON SAMPSON AND OTHERS Dated April 10, 1706- Witnessed an original copy on file at the New York State Archives, of the letters patent granted to Broughton, Sampson and others dated, April 10, 1706 Witnessed a true copy, by New York State Archivist William P. Gorman. 13<sup>th</sup> Day of December 1996.

2. Original DUTCHESS COUNTY, LITTLE NINE PARTNERS, LETTERS PATENT GRANTEE BROUGHTON SAMPSON AND OTHERS Dated September 25, 1708-. Witnessed a true copy of the original Second Nine Partners letters patent on file at the New York state Archives, by Archivist William P. Gorman December 13, 1996

3. CHAPTER 623 OF THE LAWS OF THE COLONY OF NEW YORK AN ACT for the Partition & Division of a certain tract of land in Dutchess County, Granted to Sampson Broughton and Others PASSED NOVEMBER 28, 1734 CONFIRMED BY THE KING January 12, 1737 “with letter of Affirmation that 623 of the Colonial Laws of the Colony of New York of 1734 are listed on pages 868 through 876 of the Colonial Laws of New York from the year 1664 to the Revolution Volume II.. This book is owned by the Local History departments of the Poughkeepsie Public Library District. Signed Julie Cohen, Assistant Director of the Poughkeepsie Public Library Dated August 11, 2000.and Certificate from the New York State Special Deputy Secretary of State, James Auibe, September 05, 2000 that Chapter 623 of the Laws of 1734 and that the same is a true copy of the original.  
The Colonial Laws of New York Volume II stated upon the first page that they were transmitted to the Legislature by the Commissioners of Statutory Revision, Pursuant to Chapter 125 of the Laws of 1891.

## EXHIBITS

4. Chapter 125 of the Laws of 1891 AN ACT to provide for the publication of the colonial statutes from the foundation of the colony to the adoption of the first constitution of the state of New York Became a law without approval of the Governor, in accordance with the provisions of article 4 of the Constitution of New York April 2, 1891.-  
Section 2. The republication shall be in octavo volumes of not less than 600 or more than 750 pages.  
Section 5 It shall appear on the title page of every volume that it was published pursuant to this act, and the statutes contained therein shall be evidence in any action or proceeding and of the same force and effect as though the original was produced.  
Section 6. This act shall take effect immediately.  
that these colonial laws would be  
Chapter 125 Became a law without approval of the Governor, in accordance with the provisions of article 4 section nine of the constitution April 2, 1891.
- 5 Chapter 400 of the laws of 1897 AN ACT to amend Chapter one hundred and twenty five of the Laws of Eighteen hundred and ninety one, entitled An act to provide for the publication of the colonial statutes from the foundation of the colony to the adoption of the first constitution of the state of New York became a law May 10, 1897 with approval of the Governor, passed three fifths being present..  
Act amended  
Section 1. Sections two three and five of chapter one hundred and twenty five of the laws of Eighteen hundred and ninety one entitled " An act to provide for the publication of the colonial statutes from the foundation of the colony to the constitution of New York," are hereby amended to read as follows:  
Reproduction of Statute-  
Section 2 The republication shall be in octavo volumes of not less than one thousand or more than thirteen hundred pages each with an index to each volume  
Title Page-  
Section 5. It shall appear on the title page of every volume that it was transmitted to the legislature by the commissioners of statutory revision, pursuant to chapter one hundred and twenty five of the laws of eighteen hundred and ninety one, and a statute contained in such report shall be evidence in any action or proceeding and of the same force and effect as though the original were produced, if it appears from the publication that such statute were copied from the original.  
Section 3. This act shall take effect immediately.
- 6 The Original Colonial Laws of 1734 Chapter 623 from volume 14 of the Original colonial laws of Province of New York Passed By the Colonial Legislature (series A0212) ON FILE in the N.Y.S. Education Department Archives at Albany, New York An Act for the Partition and Division of a certain Tract of Land Belonging to Sampson Broughton and others verified a true copy of the Original Chapter 623 Of the Colonial Laws of 1734. Signed a true copy of the original, By Monica Grey, Senior Archivist of N.Y.S. Archives Albany, dated 23 of June 2016.

## EXHIBITS

### 7. CONSTITUTION OF THE STATE OF NEW YORK

Article I – Bill of Rights, Section 14. [Common law and acts of the colonial and state legislatures,] Section 14. Such parts of the common law, and acts of the legislature of the Colony of New York, as together did form the law of said colony, on the nineteenth day of April. One thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated. (Formerly section 16. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938).

8. A MAP of 63 lots of land being part of a Tract Of Land Being Commonly Called the Second Nine Partners Patent Situated in Dutchess County in the Province of New York Laid Down by a Scale of Fifty Chains to one Inch by CHARLES CLINTON May the 7<sup>th</sup> 1744 – The course and Distance of each line of land laid down on this map conformable to act of assembly by which the land is divided. Certified a True tracing of this Map on file in the Dutchess County Clerks Office Filed May 7, 1744 Signed Dutchess County Clerk, William R. Steinhaus September 17, 1990.
9. Wednesday day the 25<sup>th</sup> of May 1743 William Cockburn SURVEY OF LITTLE NINE PARTNERS Lot Number 8 – Charles Clinton's Survey of the Little Nine Partners Tract of Land. With Certification of Survey done 25 of May, 1743 William Cockburn papers survey of lot Number 8, Little Nine Partners with a description of lots (Cockburn papers SC7004 Book 2 Folder 67 Manuscripts and Special Collections Section N.Y.S. Library) Certified a true copy of the original of Survey of Lot Number 8 In witness thereof I hereunto set my hand and affix the seal of the State Education Department At the City of Albany, this 10<sup>th</sup> day of October 1996 Paul Mercer Librarian of the Manuscripts and Special Collections Section of the New York State Library, Albany.
10. SECOND NINE PARTNERS TRACT DEED Book Liber 2B page 45  
Province of New York, Dutchess County Second Nine Partners pursuant To an Act of the Assembly of this Province lately made and provided for the more easy partition of lands, a part of the Tract of Land Called the second Nine Partners Tract Deed Lot Number 8 belonging to Sampson Sheldon Broughton Deed Dated 19<sup>th</sup> day of October in the Eighteenth Year of the Reign of Our Sovereign Lord George and recorded in Dutchess County Book 2b at page 54, March 26<sup>th</sup> 1745 – Certified by the Dutchess County Clerk, Richard Anderson a True Copy of the Original deed certified by Dutchess County clerk September 20, 2000.

EXHIBIT

11. August 6, 1979 Dutchess County Delinquent Tax Sale Deed Liber Book 1515 page 632 of Robert Hudson Dutchess County Tax Grid No.12-6770-00-316872-00, signed by Grantors Dutchess County Executive, Lucille Patterson and Clerk of the Dutchess County Legislature, Joan A. Traver in Robert Hudson Deed 1515 page 632 CHAIN OF TITLE by Premier Abstract Co. inc. and Feldman Jacobson, Abstract Corp., Craig T. Digilio Esq...
12. August 6, 1979 Dutchess County Delinquent Tax Sale Deed Liber book 1515 page 634 to Robert Hudson Dutchess County Tax Grid Number 12-6770-00-316872-00 signed by grantors Dutchess County Executive, Lucille Patterson and Clerk of the Dutchess County Legislature, Joan A. Traver in Robert Hudson Deed 1516 page 634 CHAIN OF TITLE by Anne Lynch Title Search Company Inc, Dated June 1, 1996.
13. Varney Chain of Title Deed Done by Lynch Abstract Co. Inc September 8, 2000 Bridget Lynch. Varney Chain Robert Hudson N.Y.S. Highway Law, Article 300 Private Road Petition Deed Book Liber 56 Page 387 stated "All that certain lot, piece, parcel of land situate in the town of North East aforesaid being part of Lot Number 8 in the division of the Little Nine Partners Patent Bounded as follows:
14. New York State Conservation Mapping X151 with Letter describing 4 Maps including Map X151 from the New York State Dept. of Environmental Conservation Surveyor, Robert Burger Showing Both Varney Property and the Hudson Property in the Little Nine Partners Tract lot Number 8.
15. September 15, 1983 Official Town of Pine Plains, Register Herald Newspaper article of a fire burning upon Defendant Robert Hudson Land; the fire burned for more than a week and required 100 firefighters from five towns and the New York State Department of Environmental Conservation using a bulldozer to clear a road from Hicks Hill Road over the Varney property to Robert Hudson Land and estate.
16. 1979 Varney and Hudson Dutchess County- Pine Plains 6770 Tax Map.

NEW YORK STATE CONSERVATION LAND 12-6770-00-070610-00  
FROM Lynch Abstract Company, Deed Chain of Title

17. 1936 Dutchess County Pine Plains Tax Roll of Mary M. Hinkley, 210 acres Listed on this Tax Rolls Hicks Hill Road on the North and Hicks Hill Road on the West, east by Mountain South by Stanford; Chain of Title by Lynch Abstract Company - in Petition to the Dutchess County Supreme Court 1074/ 2017, in 000136 Motion to Dismiss Judge Peter Forman.
18. Dutchess County Delinquent Real Property Tax Auction Notification July 17, 1979.

EXHIBIT

ARTICLE 10 OF THE REAL PROPERTY TAX LAW SECTION 1001  
THROUGH 1086 BECAME THE TERMS OF SALE FOR Robert  
Hudson Deeds Purchased at a Dutchess county Delinquent Tax Land Sale

19. Robert Hudson Tax Sale Deeds stated the Real Property sold to Robert Hudson was sold under the Laws of the State of New York. Dutchess County 1. Deed 1515 at page 632 Dutchess County, Town of Pine Plains Tax Map Grid Number 12-6770-00-285878-00
20. Map Plotting by N.Y.S. Surveyor, Robert E. Sorace Lic. No. 49162, listing Defendant's property 12-6770-00-285878-00 as 8 acres and 26 rods of land  
2. Dutchess County, Town of Pine Plains Deed 1515 page 634 Dutchess County, Town of Pine Plains Tax Map Grid Number 12-6770-00-316872-00. with Map Plotting by N.Y.S. surveyor Robert E. Sorace License No. 49162 listing property deed area 14 acres.

21                    **Robert Hudson's N.Y.S. Real Property Tax law  
for  
Real Property Deed Terms of Sale of Property**

**N.Y.S. Real Property Tax Law Article 10-Section 1019 Certain lands in forest preserve to be offered for sales to state .N.Y.S. Laws 1959 section 733 at page 1777** Robert Hudson's properties were first offered for sale to the State of New York and the N.Y.S. and the N.Y.S. Dept. of Environmental Conservation Made up the Map X151, with letter from New York State Department of Environmental Conservation Surveyor Robert Burger listing in his letter MapX151 as New York State Conservation Map.

**Under N.Y.S. Real Property Tax Law Article 10 Section 1020.**

Effect of conveyance 1. A conveyance by county treasurer pursuant to section ten hundred eighteen of this chapter shall vest in the grantee an absolute estate in fee, subject, however, to (a) all claims of the county, village, town, city or state for taxes, liens or other encumbrances and subject to all easements or rights of way which were in existence at the time of the levy of the tax the non-payment of which resulted in the tax sale. Loening v. Red Spring Land Company et al Supreme Court Special Term Nassau County, November 30, 1940 Taxation Key 783 A Tax Title to Land is subject to all easements in or rights of way over land at time of levy of tax for non payment of which land was sold Tax Law Section 154.

Under Article 10 Section 1082 of the APPLICATION OF TITLE Section 3.  
Upon the commencement of such an action all tax sale certificates of the real property described in the complaint and all other evidence of a tax sale of such real property which are not deeds, upon and through which plaintiff claims ownership of or some right, title and interest in such real property shall be deemed to be and ever thereafter shall be the equivalent of a conveyance in fee.



EXHIBIT

22. Under N.Y.S. Laws 1959 CHAPTER 733 AN ACT to amend the real property tax law, the village law, the tax law, the conservation law in relating to making certain corrections therein etc. at page 1775 bottom of page Real Property Tax Law section 1084 Subdivision 2 amended 2. all the provisions of Article 15 of the real property law shall apply to such an action, except that [the plaintiff shall not be required to allege or prove that either the plaintiff or the plaintiff's predecessor in title, is or ever has been in possession of such real property, and except that the action may be maintained notwithstanding the fact that the property is vacant and unoccupied. It] *it* shall not be necessary for the complaint to set forth facts showing whether the defendant is known or unknown, or whether any defendant is or might be an infant, an idiot, a lunatic, or an habitual drunkard. Defendant Robert Hudson filed 3 Article 15 petitions to the Supreme Court Dutchess County to quiet his title. The Law states that a Petition under Article 15 of the Real Property Law can never be concluded without final order and decision.
23. DUTCHESS COUNTY 911 Emergency Response RESOLUTION 200273 of 1999 AMENDED by Resolution 990261 of 2000 Requiring every property in Dutchess County to have an Emergency Response Road to the property.

10 Opinions of Counsel State Board of Real Property Services May 13, 1992 Revised April 20 2011 (AT PAGE 80)- Tax Maps (public access) (archival maps) Public records (tax map)(archival copy) -Public Officers Law, Section 87; Real Property Tax Law, Section 503:

**Archival tax maps must be permanently retained as public record along with the tax rolls to which they relate.**

Our Opinion has been Requested concerning whether the public has access to tax maps of a prior year. The Freedom of Information Law (Public Officers Law, art.6) request was made requesting a copy of a map from a prior year. The County in Question retains microfilm copies of the tax maps but because the map is subject to ongoing revision, it has been the policy of the particular county to discourage or even deny access to archival tax maps. The issue here is whether this policy is a correct one, and whether the Freedom of Information Law request should be allowed.

**We disagree with the policy and believe that access should be allowed.**

Tax maps are to be prepared and maintained in current condition (Real Property Tax Law section 503). Each year the county director of real property tax services is to provide each assessing unit with either new map sections or necessary changes to existing maps(10 Op. Counsel SBRPS No.2). These maps are to be available with the tentative assessment roll and are to be current as of taxable status date (9NYCRR189.16(b); 3 Op Counsel SBEA No.35). When a tax map has been approved by the State Board, references to the tax map number is deemed a sufficient description of any parcel in such map for purposes of an assessment roll where the tax map is used to identify parcels (RPTL. SECTION 502(2); 9NYCRR 190-1.2(b)(2). Assessors must use tax maps in preparing assessment rolls (RPTL. Section503(1), and tax maps are to be integrated with assessment



## EXHIBIT

rolls ((6 Op Counsel SBEA No. 22).

Since the Tax Map is used to describe the parcels listed on the assessment roll or tax roll it must be kept and made available in conjunction with the tax roll. That is since the tax roll is a public record which must be permanently retained (e.g. RPTL946), it necessarily follows that the tax maps applicable to that roll must be permanently retained. The permanent map retention is recognized in the Records Retention Schedule CO-2 issued by the Government Records Bureau of the State Education Department's State Archives and Records Administration (p.89,item 6b). Section 57.25 of the Arts and Cultural affairs Law prohibits local officials from disposing of public records without the consent of the Commissioner of Education. Schedule CO-2 includes a series of retention periods for use by county officials.

The Freedom of Information Law provides that all government records are public unless they fit within one or more of the statutory exemptions (see, Public Officers Law Section 87(2)). In our opinion an archival tax map does not fit into any of the exceptions even though a more current map may now exist, It must be made available for public inspection and copying. May 13, 1992 revised April 2011.

The Dutchess County Clerk, The Dutchess County Treasurer, The Dutchess County Director of Real Property Tax services and the Town of Pine Plains Assessor and Town of Pine Plains Clerk, all denied access to Tax Maps related to the 1973 Pine Plains Gad Bernstein Tax rolls for the Miller Pond Farm (and all previous Tax Rolls for the Bernstein property ) list this property as 160 acres but the 1973 6770 Tax Map for the Miller Pond Farm property for 1973 list this property as 165 acres.

The 1973 Pine Plains Tax Roll and the 1973 Tax Map were altered. The COUNSEL for New York State Board of Real Property Services has stated that Tax Maps and Tax Rolls together form one Integrated Document..

24. 1973 160 acre and 1974 165 acres Tax Rolls of Property 12-6770-00-152991.
25. 1972 Dutchess County Tax Map 6770 listing the Highway Road listed on Varney deed at Dutchess County book liber 1193 at page 248 running along the North side of the Varney Property.

## NO CRIME COULD BE COMMITTED BT DEFENDANT, ROBERT HUDSON 31 NEW YORK JURISPRUDENCE SECOND – CRIMINAL LAW

If conduct is all that is required for the commission of the particular offense, or if an offense or some material element thereof does not require a culpable mental state on the part of the actor, the offense is one of strict liability CLS Penal Law Section 15.10. If on the other hand, a culpable mental state on the part of the actor is required with respect to every material element of the offense, such offense is one of mental culpability. Most offenses in the Penal Law must be committed with some culpable mental state. CLS Penal Law Section 10.10

ROBERT HUDSON STATEMENT OF TITLE TO ROAD  
OVER THE  
VARNEY PROPERTY

Exhibit 14 The New York State Conservation Map X151 was filed in the Dutchess County Real Property Tax services office. Map X151 showed that both the Varney property and the Hudson property were in the Little Nine Partners Tract that Lot Number 8.

EXHIBIT 10. The Dutchess County Deed Liber 2b page 45 showed Little Nine Partners Tract Lot Number 8 belonged to Sampson Sheldon Broughton, The Common Grantor of both the Complainant Varney and the Defendant Hudson Property.

Exhibit 15, is the September 15, 1983 Newspaper Article from the Official Town of Pine Plains Newspaper for 150 Years, The Register Herald Newspaper that Stated that a fire on Stissing Mountain, for more than a week, brought five (5) surrounding Fire Departments, the N.Y.S. Department of Environmental Conservation and required a Bulldozer to come and cut a road to the fire to put out the fire. Carleton Varney filed a civil complaint in the

**Supreme Court Dutchess County 2300/1983** against Robert Hudson for the N.Y.S. Dept. of Environmental Conservation and others. for the road from Hicks Hill Road cut across the Carleton Varney property to Defendant Hudson's property to put out the Fire on the Robert Hudson Property.

Exhibit 23. Since the Year 2000 and 2001 the Dutchess County Legislature Resolution No. 200273 of 1999 and amended by Resolution 990261 of 2000 Establishing a sign law requiring that every property in the County of Dutchess have a Road from the main road to the Citizens property to come for any emergency 911 purpose that may arise.

The Road stated upon Robert Hudson's Deeds is Hicks Hill Road Rear the same HICKS HILL ROAD over the Varney property is stated in the 1936 and 1963 Dutchess County Pine Plain Real Property tax rolls of the N.Y.S. Conservation Dept. Property 12-6770-00-070610-00 at Exhibit 17 adjacent and juxtaposed to Varney on the south. The Road was Stated by Defendant, Robert Hudson's Predecessor in title Mary Ann Wilkinson in Dutchess County Deed of John and Mary Ann Wilkinson, Dutchess County Liber Book 176 Deed page 205 stated "also a right to pass through the other part of the farm deeded to Stephen Tompkins". Thomas Tompkins is listed in the Varney Chain of title same Right of Way Hicks Hill Road that the Dutchess County Emergency Response Fire Department teams used over the Varney Property to come to Robert Hudson Land to put out the Fire in 1983 as shown in the Register Herald Newspaper Article at Exhibit 15; this is this same road over the Varney Property that Robert Hudson has used for the past 40years for Road access to his home and property.

Yours Truly,

Robert Hudson  
254 Hicks Hill Road  
Stanfordville New York 12581

6

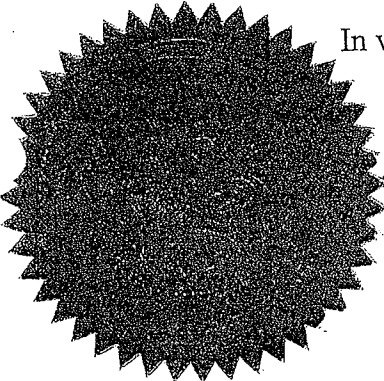
STATE OF NEW YORK

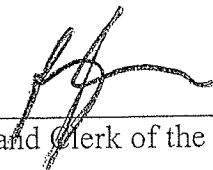
COUNTY OF DUTCHESS

I, BRADFORD KENDALL, County Clerk and clerk of the Supreme and County Courts, Dutchess County, do hereby certify that I have compared this copy with the original computerized docket which is the product of routine data storage last updated on 5/9/17 and the same is a true and accurate transcript thereof.

In witness whereof, I have hereunto set my hand and affixed my official seal,

On this 12 day of May, 2017 .



  
\_\_\_\_\_  
County Clerk and Clerk of the Supreme Court, Dutchess County

Dutchess County Clerk

Clerk's Minutes - 03-2017-1074

Filed Type		Court	Municipalities				
5/9/2017		SUPREME					
Party Type	Error / Correction	Name	Date Filed	3P	Satisfied	Sealed	E-Filing Opt Out
Plaintiff		HUDSON ROBERT	5/9/2017				
Defendant		PINE PLAINS TOWN HIGHWAYS SUPERINTENDENT	5/9/2017				
Defendant		WILSON HEATHER M	5/9/2017				
Docket Entry							Date
RJI.							5/9/2017

3P = Third Party Action  
LP = Lis Pendens

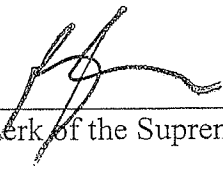
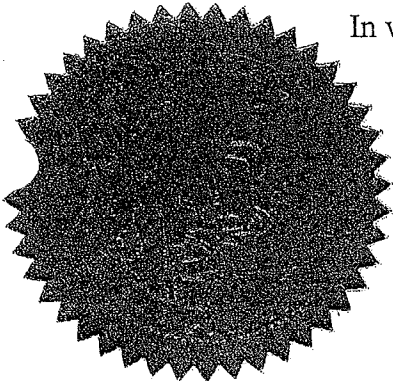
STATE OF NEW YORK

COUNTY OF DUTCHESS

I, BRADFORD KENDALL, County Clerk and clerk of the Supreme and County Courts, Dutchess County, do hereby certify that I have compared this copy with the original computerized docket which is the product of routine data storage last updated on 4/9/18 and the same is a true and accurate transcript thereof.

In witness whereof, I have hereunto set my hand and affixed my official seal,

On this 10<sup>th</sup> day of April, 20 18.



\_\_\_\_\_  
County Clerk and Clerk of the Supreme Court, Dutchess County

Filed	Type	Court	Municipalities				
5/9/2017		SUPREME	Pine Plains				
Party Type	Error / Correction	Name	Date Filed	3P	Satisfied	Sealed	E-Filing Opt Out
Plaintiff		HUDSON ROBERT	5/9/2017				
Defendant		PINE PLAINS TOWN HIGHWAYS SUPERINTENDENT	5/9/2017				
	LP Filed Date	Source		Liber	Page	Satisfied	
	6/13/2017			119	1665		
Defendant		WILSON HEATHER M	5/9/2017				
	LP Filed Date	Source		Liber	Page	Satisfied	
	6/13/2017			119	1665		
Defendant		PINE PLAINS SUPERINTENDENT OF HIGHWAYS	6/13/2017				
	LP Filed Date	Source		Liber	Page	Satisfied	
	6/13/2017			119	1665		
Defendant		VARNEY CARLETON B	9/19/2017				
Defendant		VARNEY NICHOLAS L	9/19/2017				
Defendant		VARNEY SEBASTIAN	9/19/2017				
Docket Entry							Date
RJI							5/9/2017
LETTER							5/12/2017
NOTICE OF PENDENCY							6/13/2017
AFFIDAVIT OF SERV SUPPORTING PAPERS							6/13/2017
AMENDED RJI							6/13/2017
PLAINTIFF'S REPLY RESPONDENT'S ANSWER SUPPORTING PAPERS & EXHIBITS							6/19/2017
PLANTIFFS BILL OF PARTICULARS SUPPORTING PAPERS & EXHIBITS							6/26/2017
NOTE OF ISSUE W/ JURY DEMAND & CTF OF READINESS AFFIDAVIT OF SERV BY MAIL							6/28/2017
AFFIDAVIT OF MAILING - 2							8/4/2017
AFFIRMATION IN SUPPORT OF INTERVENOR VARNEYS MOTION FOR CIVIL CONTEMPT EXHIBIT AFFIDAVIT OF SERV BY MAILING							8/17/2017
DECISION & ORDER - SPROAT - 8/22/2017 NOTICE OF MOTION TO INTERVENE & NOTICE OF MOTION FOR CIVIL CONTEMPT PROPOSED INTERVENOR RESPONDENT'S ANSWER							8/23/2017
AFFIRMATION IN REPSONSE SUPPORTING PAPERS & EXHIBITS							
ORDER TJO AMEND CAPTION - SPROAT 9/18/217 SUPPORTING PAPERS							9/19/2017
EXHIBIT							10/27/2017
Comment				Date	Liber	Page	
ADDING PARTY (LP)				6/13/2017			
CLERKS NOTE: CAPTION INCLUDES PROPOSED PARTIES				8/23/2017			
ADDING PARTY				9/19/2017			
3P = Third Party Action							
LP = Lis Pendens							



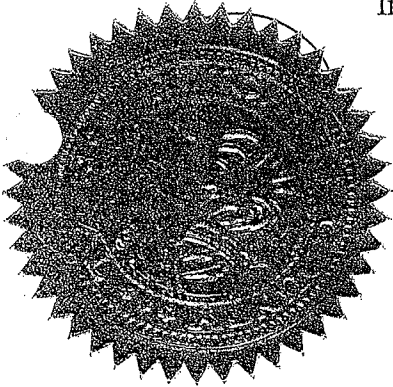
STATE OF NEW YORK

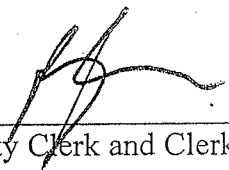
COUNTY OF DUTCHESS

I, BRADFORD KENDALL, County Clerk and clerk of the Supreme and County Courts, Dutchess County, do hereby certify that I have compared this copy with the original computerized docket which is the product of routine data storage last updated on 7/9/2018 and the same is a true and accurate transcript thereof.

In witness whereof, I have hereunto set my hand and affixed my official seal,

On this 11th day of July, 2018.



  
County Clerk and Clerk of the Supreme Court, Dutchess County

Filed Type		Court		Municipalities			
5/9/2017		SUPREME		Pine Plains			
Party Type	Error / Correction	Name	Date Filed	3P	Satisfied	Sealed	E-Filing Opt Out
Plaintiff		HUDSON ROBERT	5/9/2017				
Defendant		PINE PLAINS TOWN HIGHWAYS SUPERINTENDENT	5/9/2017				
	LP Filed Date	Source		Liber		Page	Satisfied
	6/13/2017			119		1665	
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	LP Filed Date	Source		Liber		Page	Satisfied
	6/13/2017			119		1665	
Defendant		PINE PLAINS SUPERINTENDENT OF HIGHWAYS	6/13/2017				
	LP Filed Date	Source		Liber		Page	Satisfied
	6/13/2017			119		1665	
Defendant		VARNEY CARLETON B	9/19/2017				
Defendant		VARNEY NICHOLAS L	9/19/2017				
Defendant		VARNEY SEBASTIAN	9/19/2017				
Docket Entry							Date
RJI							5/9/2017
AFFIDAVIT OF SERV OF SUMMONS & COMPLAINT & NOTICE OF PETITION (ENTERED 7/9/2018)							5/11/2017
LETTER							5/12/2017
NOTICE OF PENDENCY							6/13/2017
AFFIDAVIT OF SERV SUPPORTING PAPERS							6/13/2017
AMENDED RJI							6/13/2017
PLAINTIFF'S REPLY RESPONDENT'S ANSWER SUPPORTING PAPERS & EXHIBITS							6/19/2017
PLANTIFFS BILL OF PARTICULARS SUPPORTING PAPERS & EXHIBITS							6/26/2017
NOTE OF ISSUE W/ JURY DEMAND & CTF OF READINESS AFFIDAVIT OF SERV BY MAIL							6/28/2017
AFFIDAVIT OF MAILING - 2							8/4/2017
AFFIRMATION IN SUPPORT OF INTERVENOR VARNEYS MOTION FOR CIVIL CONTEMPT EXHIBIT AFFIDAVIT OF SERV BY MAILING							8/17/2017
DECISION & ORDER - SPROAT - 8/22/2017 NOTICE OF MOTION TO INTERVENE & NOTICE OF MOTION FOR CIVIL CONTEMPT PROPOSED INTERVENOR RESPONDENT'S ANSWER AFFIRMATION IN REPSONSE SUPPORTING PAPERS & EXHIBITS							8/23/2017
NOTICE TO COUNTY CLERK AMENDMENT TO CAPTION (ENTERED 7/9/2018)							9/1/2017
ORDER TO AMEND CAPTION - SPROAT 9/18/217 SUPPORTING PAPERS							9/19/2017
EXHIBIT							10/27/2017
NOTICE OF APPEAL W/SUPPORTING PAPERS							4/10/2018
DECISION ORDER & JUDGMENT - FORMAN-7/2/2018 NOTICE OF MOTION TO DISMISS OR MOTION FOR SUMMARY JUDGMENT NOTICE OF PETITION PETITION UNDER ARTICLE 15 REAL PROPERTY ACTIONS & PROCEEDINGS LAW PETITION APPLICATION TO COURT PETITIONER S ANSWER RESPONDENTS RETURN LETTER PETITIONER S RESPONSE ANSWER AMENDED ANSWER ANWER & COUNTERCLAIMS PETITION UNDER ARTICLE 15 OF REAL PROPERTY ACTION & PROCEEDINGS LAW PETITIONERS REPLY TO RESPONDENTS MOTION TO DISMISS PETITION PETITONERS RESPONSE TO DEFENDANTS MOTION TO DISMISS PETITIONER'S COMPLAINT APPENDIX OF RECORD SUBMITTED TO TOWN OF PINE PLAINS SUPERINTENDENT OF HIGHWAYS FOR APPLICATION FOR PRIVATE ROAD SUPPORTING PAPERS EXHIBITS							7/9/2018
Comment					Date	Liber	Page
ADDING PARTY (LP)					6/13/2017		

CLERKS NOTE: CAPTION INCLUDES PROPOSED PARTIES

8/23/2017

ADDING PARTY

9/19/2017

VERIFIED PETITION IS DISMISSED

7/9/2018

3P = Third Party Action

LP = Lis Pendens

## REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

SUPREME COURT, COUNTY OF

Index No: **2017-1474** Date Index Issued: **5-19-17**

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

ROBERT HUDSON,  
PETITIONER,

Plaintiff(s)/Petitioner(s)

-against-

TOWN OF PINE PLAINS SUPERINTENDENT OF HIGHWAYS, **HEATHER M. WILSON**  
RESPONDENT

Defendant(s)/Respondent(s)

## NATURE OF ACTION OR PROCEEDING:

Check ONE box only and specify where indicated.

<b>MATRIMONIAL</b> <input type="checkbox"/> Contested NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJ1 Addendum. For Uncontested Matrimonial actions, use RJ1 form UD-13.	<b>COMMERCIAL</b> <input type="checkbox"/> Business Entity (including corporations, partnerships, LLCs, etc.) <input type="checkbox"/> Contract <input type="checkbox"/> Insurance (where insurer is a party, except arbitration) <input type="checkbox"/> UCC (including sales, negotiable instruments) <input type="checkbox"/> Other Commercial: _____ (specify) NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJ1 Addendum.
<b>TORTS</b> <input type="checkbox"/> Asbestos <input type="checkbox"/> Breast Implant <input type="checkbox"/> Environmental: _____ (specify) <input type="checkbox"/> Medical, Dental, or Podiatric Malpractice <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Products Liability: _____ (specify) <input type="checkbox"/> Other Negligence: _____ (specify) <input type="checkbox"/> Other Professional Malpractice: _____ (specify) <input type="checkbox"/> Other Tort: _____ (specify) <b>MSR</b>	<b>REAL PROPERTY:</b> How many properties does the application include? <b>2</b> <input type="checkbox"/> Condemnation <input type="checkbox"/> Mortgage Foreclosure (specify): <input type="checkbox"/> Residential <input type="checkbox"/> Commercial Property Address: _____ NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJ1 Addendum. <input type="checkbox"/> Tax Certiorari - Section: _____ Block: _____ Lot: _____ <input type="checkbox"/> Tax Foreclosure <input checked="" type="checkbox"/> Other Real Property: <b>Highway Law Section 300 Private Road</b> (specify)
<b>OTHER MATTERS</b> <input type="checkbox"/> Certificate of Incorporation/Dissolution [see NOTE under Commercial] <input type="checkbox"/> Emergency Medical Treatment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Local Court Appeal <input type="checkbox"/> Mechanic's Lien <input type="checkbox"/> Name Change <input type="checkbox"/> Pistol Permit Revocation Hearing <input type="checkbox"/> Sale or Finance of Religious/Not-for-Profit Property <input type="checkbox"/> Other: _____ (specify)	<b>SPECIAL PROCEEDINGS</b> <input type="checkbox"/> CPLR Article 75 (Arbitration) [see NOTE under Commercial] <input type="checkbox"/> CPLR Article 78 (Body or Officer) <input type="checkbox"/> Election Law <input type="checkbox"/> MHL Article 9.60 (Kendra's Law) <input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Initial) <input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Review) <input type="checkbox"/> MHL Article 81 (Guardianship) <input type="checkbox"/> Other Mental Hygiene: _____ (specify) <input type="checkbox"/> Other Special Proceeding: _____

## STATUS OF ACTION OR PROCEEDING:

Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?  
 Has a summons and complaint or summons w/notice been served?  
 Is this action/proceeding being filed post-judgment?

YES NO

☐ ☐ If yes, date filed: \_\_\_\_\_  
☐ ☐ If yes, date served: \_\_\_\_\_  
☐ ☐ If yes, judgment date: \_\_\_\_\_

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Check ONE box only AND enter additional information where indicated.

☐ Note of Issue and/or Certificate of Readiness  
☐ Notice of Medical, Dental, or Podiatric Malpractice  
☐ Notice of Motion  
☐ Notice of Petition  
☐ Order to Show Cause  
☐ Other Ex Parte Application  
☐ Poor Person Application  
☐ Request for Preliminary Conference  
☐ Residential Mortgage Foreclosure Settlement Conference  
☐ Writ of Habeas Corpus  
☐ Other (specify): \_\_\_\_\_

Relief Sought: \_\_\_\_\_  
 Date Issue Joined: \_\_\_\_\_  
 Return Date: \_\_\_\_\_

Relief Sought: Private Road  
 Date Issue Joined: \_\_\_\_\_  
 Return Date: \_\_\_\_\_

Relief Sought: \_\_\_\_\_  
 Date Issue Joined: \_\_\_\_\_  
 Return Date: \_\_\_\_\_

Order to compel Town of Pine Plains Superintendent of Highways to grant  
 Petitioner's Application for Private Road under Highway law section 300

RELATED CASES:

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.  
 If additional space is required, complete and attach the RJJ Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case
<u>Dutchess County</u>				

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided.  
 If additional space is required, complete and attach the RJJ Addendum.

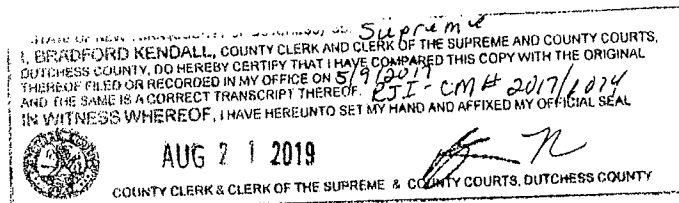
Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	Name: Robert Hudson PETITIONER Role(s):	254 Hicks Hill Road Stanfordville, N.Y. 12581 845-233-1922	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Town of Pine Plains Superintendent, Heather M. Wilson Role(s):	3284 Route 199 Pine Plains, N.Y. 12567 518-398-6662 Highway @ Pine Plains, NY CELL 518-965-1876	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: MAY 05, 2017 Robert Hudson  
 MAY 9 - 2 PM 2:00  
 RECEIVED  
 CLERK'S OFFICE  
 COUNTY OF DUTCHESS

ATTORNEY REGISTRATION NUMBER

PRINT OR TYPE NAME



105

105

# EXHIBIT 5



TOWN OF PINE PLAINS  
DUTCHESS COUNTY, NEW YORK  
6770

DATE	BY	REMARKS
10/1/19	107	108
10/1/19	107	108

N

DATE OF MAP	10/1/19
DATE OF REVISION	10/1/19
SCALE	1" = 100'

DATE OF MAP	10/1/19
DATE OF REVISION	10/1/19
SCALE	1" = 100'

DATE OF MAP	10/1/19
DATE OF REVISION	10/1/19
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SCALE	1" = 100'

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DATE OF REVISION	10/1/19
SCALE	1" = 100'

DATE OF MAP	10/1/19
DATE OF REVISION	10/1/19
SCALE	1" = 100'

DATE OF MAP	10/1/19
DATE OF REVISION	10/1/19
SCALE	1" = 100'



# EXHIBIT 6

To the time I was taken

Enclosed are pictures taken of my 4 Goats + 1 sheep.

The Sheep + Anglo Nubian Black Goat was taken.

The Black + Brown goat was missing and the Tan Brown Goat + Black Goat were killed.

The Black Anglo Nubian Goat would always rest under my Home + the Thief of more had to pull out the Farm Instruments to get at the Black Anglo Nubian.

I kept the goats well through the winter when I was put in jail for two months for walking on the road to get to my Estate. I was released on July 6, 2018 + the sheep + goats were well. I fed them dewormer cut their hoofs and sheered the sheep and sprayed them down.

On July 20, 2018 the Sheep & one Goat were taken.

On August 22 the two other goats were killed and another taken.

The two goats killed were carried 50 feet west of my house & I left them there.

The approximate value of the ~~9~~ sheep and 4 goats is \$2500.00

Sincerely,  
Robert Jackson

P.S.: For more than 20 years I have kept the goats on my Agricultural property in the 2<sup>nd</sup> ag district.

Here are two Vet sheets from

Veterinarian's Isaac Angel for 10-21-2011

George Hart for 9-22-2008

To the Town of Pine Plains Police Department

September 20, 2019

Notice of Theft of Sheep and goats.

NOTICE OF Killing of two goats.

NOTICE OF disappearance of another goat for the total of 4 goats  
and one sheep taken or destroyed

On the 16 of July 2019 Robert Hudson came to his home and property on Dutchess County  
Real Property Tax Map Grid Number 12-6770-00-285878-00 in the State of New York, County  
of Dutchess Town of Pine Plains. At this time all the farm implements that I store under my  
home were pulled out from under my house and my Anglo Nubian Goat and my ram sheep were  
taken.

On the July 30<sup>th</sup> 2019 I went to the Sheriffs Office in Poughkeepsie New York to fill out a  
complaint but the Sheriff Stated he would not take the complaint but that I had to make the  
complaint in the Town of Pine Plains.

The Anglo-Nubian Goat always stayed under my home and the thief had to pull out the  
farm implements to get at the Anglo-Nubian Goat.

Again I came to my Home on the 4<sup>th</sup> of September 1019 and two of my goats were killed and a  
third Black Goat with horns was missing.

Subscribed and Sworn to before me this

20<sup>th</sup> day of September, 2019

[Signature]  
Notary Public

Sincerely Yours,

[Signature]  
Robert Hudson

254 Hicks Hill Road  
Stanfordville, New York 12581

Deo Dominick Liberatore  
Notary Public, State of New York  
No. 01LI6281468  
Qualified in Dutchess County  
Commission Expires: 05/13/21

New York State Department of Agriculture and Markets  
Division of Animal Industry - 1 Winners Circle, Albany, NY 12235

EXHIBITION CERTIFICATE OF VETERINARY INSPECTION  
(NOT to be used for INTERSTATE movement)

Owner ROBERT HUDSON County DUTCHESS Species CAPRINE  
Address 254 HICKS Hill Rd, STEVENSVILLE, NY  
One Species Per Certificate

ONE ANIMAL PER LINE ALL ANIMALS MUST HAVE INDIVIDUAL IDENTIFICATION ALL MAN MADE ID MUST BE RECORDED				Rabies Vaccination Product: _____ Check appropriate box(es)			Bovine Resp. Complex Vacc. Product: _____
ANIMAL IDENTIFICATION	Breed	Sex	Age	DATE	1 Yr.	3 Yr.	Booster
1. NYCC9/1007, NYCP7841	Nub	F	AD				
2. NYCC9/1006, NYCP7840	"	"	"				
3. NYCFT2/3001	REDO	"	"				
4. NYCFT2/2088	"	"	"				
5. NYCP7881	"	"	"				
6. NYCP7707	"	"	"				
7. NYBY9380	Bone	"	"				
8. NY75414/1207	"	"	"				
9. WS 1007	TOG	"	"				
10. WS 1052	"	"	"				
11.							
12.							

Date of last TB herd test (deer, llamas) \_\_\_\_\_

Goat/Sheep/Swine Certification - I have inspected the flock/herd of origin and certify that there was no evidence of contagious disease in the flock/herd at the time of my inspection.

Signature of Veterinarian Gregory W. Hunt Date of Inspection 9/22/08

I certify as an accredited veterinarian, that the (no.) \_\_\_\_\_ above described animals have been inspected by me on (date) 9/22/08 and that they are not showing signs of infectious, contagious and/or communicable disease. The owner has been advised of vaccine, drug and other preparation withholding times where applicable.

Signature of Accredited Veterinarian Gregory W. Hunt Address Pine Plains, NY 12567 Date 9/22/08

FOR OFFICIAL USE ONLY

Distribution: original to owner, copy to veterinarian



Owner Robert Hudson County Dutchess Species Captive  
 Address 254 Hicks Hill Rd, Staufferville, NY 12581 Premises ID Number: \_\_\_\_\_ One Species Per Certificate

ONE ANIMAL PER LINE ALL ANIMALS MUST HAVE INDIVIDUAL IDENTIFICATION ALL MAN MADE ID MUST BE RECORDED				Rabies Vaccination Product: _____ Check appropriate boxes			Bovine Resp. Complex Vacc. Product: _____		BVD-P1 Test Negative	
ANIMAL IDENTIFICATION	Breed	Sex	Age	DATE	1 Yr.	3 Yr.	Booster	CATTLE ONLY DATE	CATTLE ONLY Test Date	
1. 1007	Nubian	F	6yrs							
2. 1071	Alpine	M	9mo							
3. NY1109081003	Tagg	F	6yrs							
4. NY1109081001	Nubian	F	2yrs							
5. NYCP7707	Mixed Breed	F	3.5yrs							
6. NY1109081002	Red Nubian	F	2yrs							
7. 3190	Tagg	F	6yrs							
8. 1052	Alpine	F	5yrs							
9. 3001	Alpine	F	6yrs							
10. _____										
11. _____										
12. _____										

6yrs old Female  
 Tagg  
 appears to have  
 CAE

113

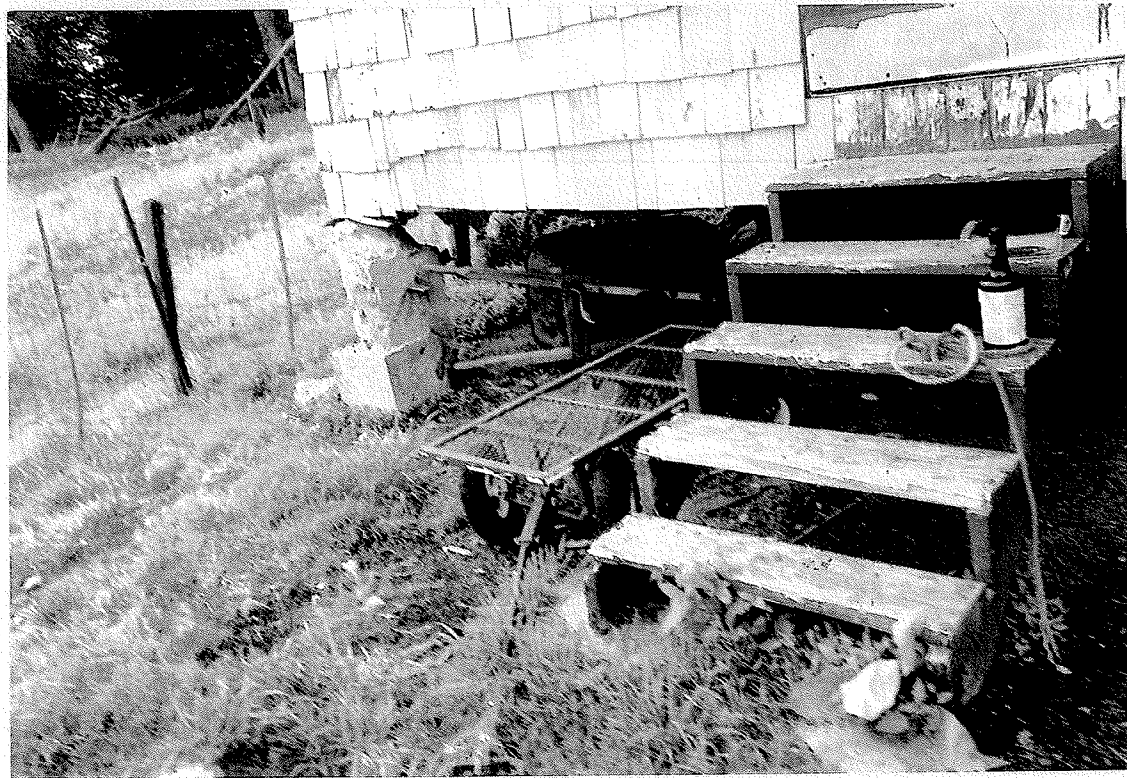
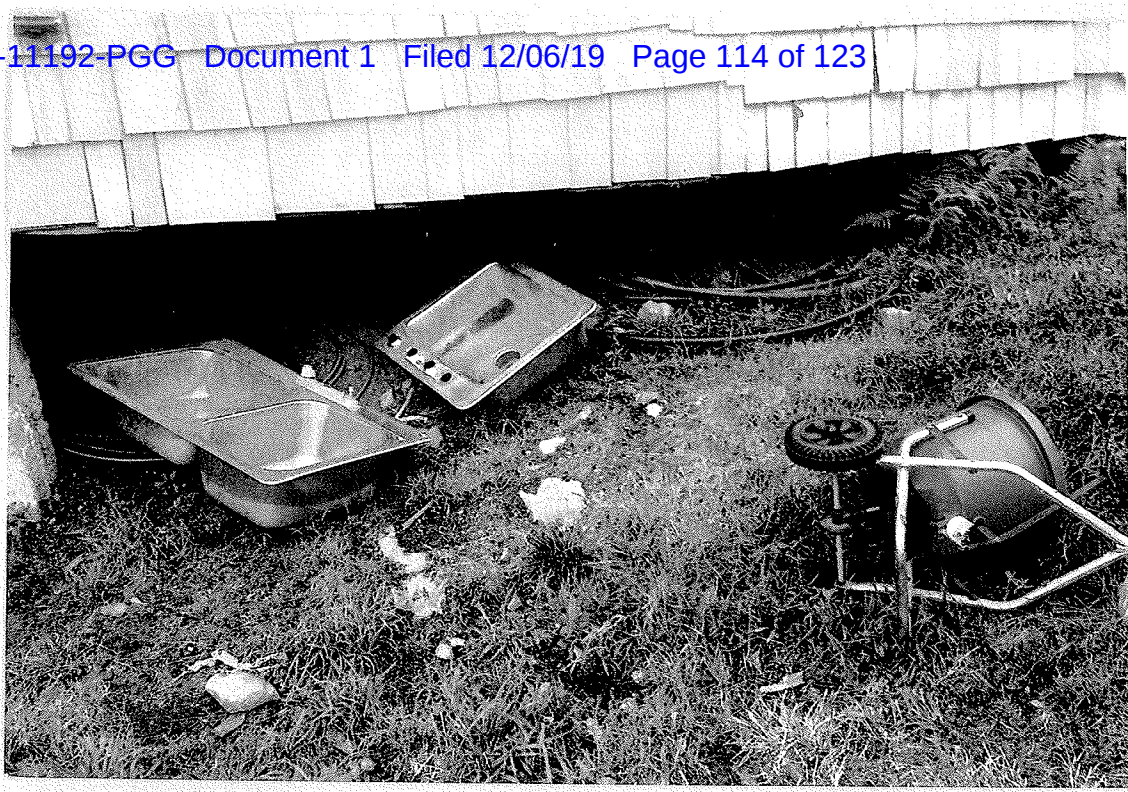
I certify, as an accredited veterinarian, that the (no.) 9 above described animals have been inspected by me and they are not showing signs of infectious, contagious and/or communicable disease. The owner has been advised of vaccine, drug and other preparation withholding times where applicable. For certificates issued for goats and sheep, I certify that I have inspected the flock/herd of origin and there was no evidence of contagious disease in the flock/herd at the time of inspection.

Veterinarian Signature: Isaac Angell Printed Name of Veterinarian: Isaac Angell NYS Vet. ID # 059854  
 Address: 2826 Church St, Pine Plains, NY 12567 Inspection Date: 10/21/11 and 12/05/11

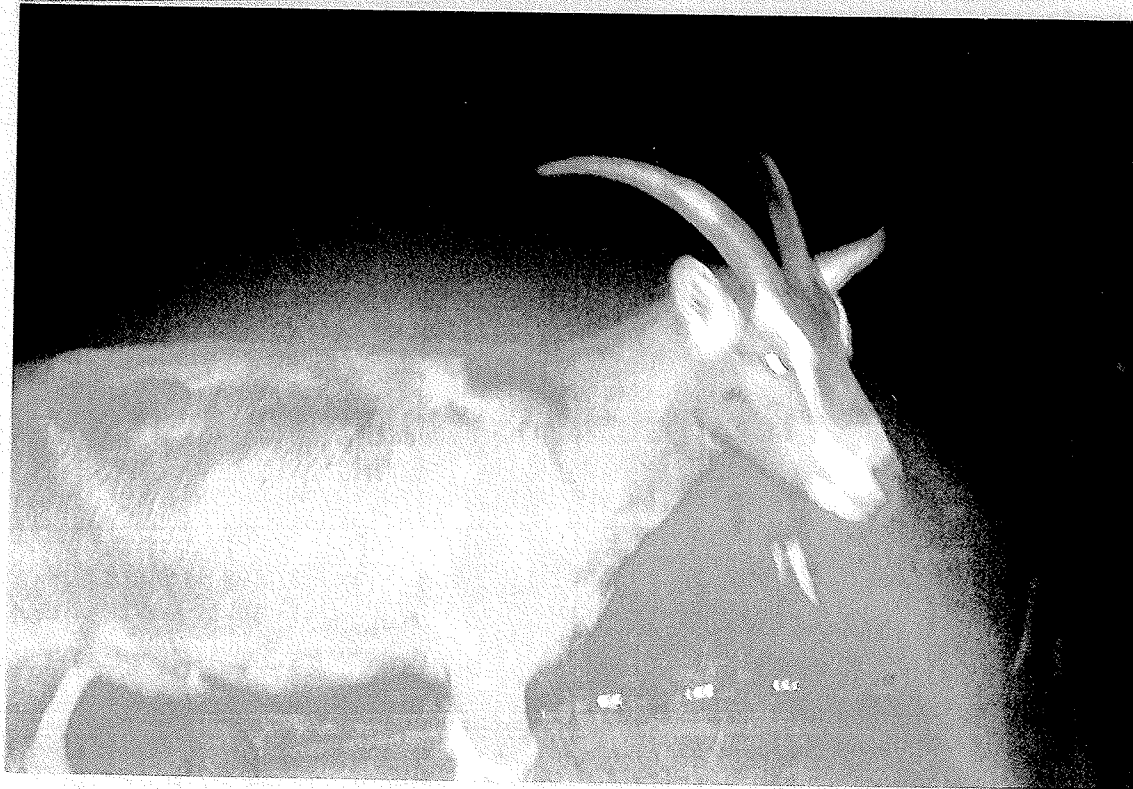
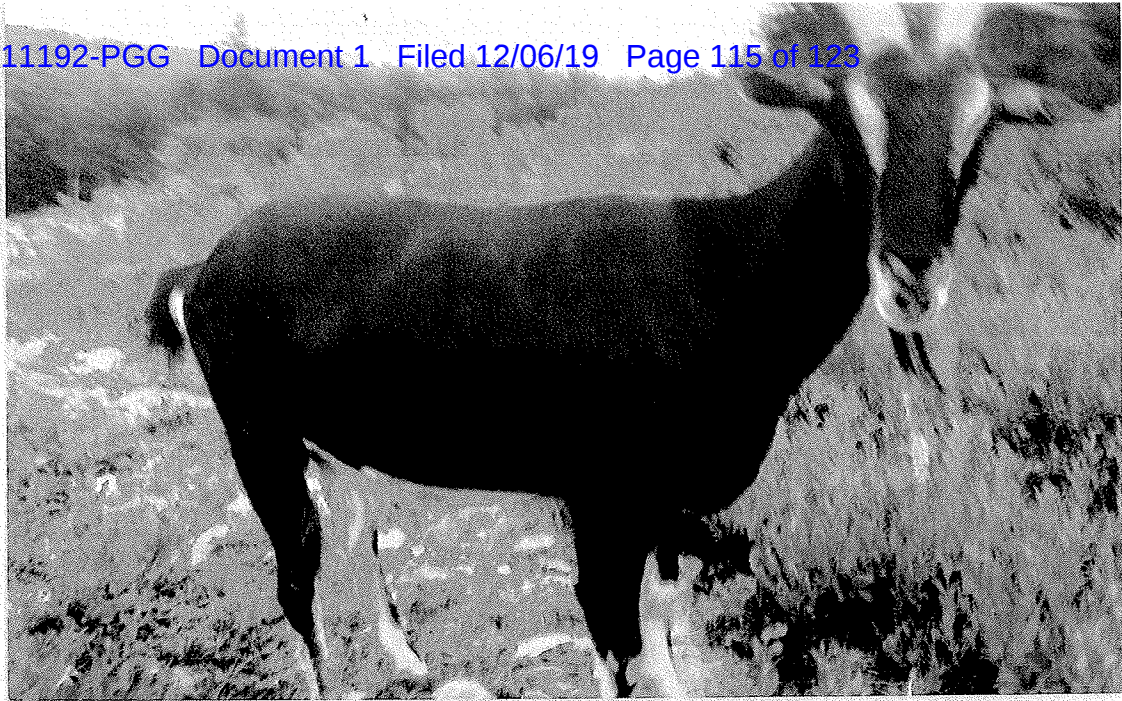
FOR OFFICIAL USE ONLY:

Dist. jution: original to owner, copy to veterina.













# EXHIBIT 7

117

117



OFFICE OF  
THE COUNTY CLERK OF DUTCHESS COUNTY

COUNTY OFFICE BUILDING  
POUGHKEEPSIE, NEW YORK 12601  
Telephone (914) 485-9797

WILLIAM R. STEINHAUS  
County Clerk

AL McENROE  
Deputy County Clerk

August 31, 1983

Mr Robert Hudson  
3120 Hull Avenue  
Bronx New York 10467

Re: Index #1982/4743

Dear Mr Hudson:

There is returned unrecorded the following:

- 1.) Petition for registration of title
- 2.) Certified copy of Deed - Dutchess County to Robert Hudson (L 1515 P 632)
- 3.) Certified copy of Deed - Dutchess County to Robert Hudson (L 1515 P 634)
- 4.) Typewritten copy of Deed (not conformed or certified) N.M. Waltermire to E.J. Wright & wf (L 223 P 157)
- 5.) Copy of Deed (Malcolm C Simmons & wf to Thomas K Wang & wf (L 1114 P 731)
- 6.) Postal money order payable to Dutchess County Clerk in the amount of \$42.70.

In accordance with Article 12, Section 379 (Par h) of the Real Property Law - "with said petition shall be filed an abstract of title or search of the real property described in the petition...". Such abstract is not attached to the petition.

Sincerely yours,

*William R. Steinhaus*

William R Steinhaus

Copy: Dutchess County Attorney's Office  
(Ian MacDonald, Esq)

Judge Gagliardi's Call To Set Trial Date

NOTICE TO BARSUPREME COURT - DUTCHESS COUNTYSUMMER TRIALS - 1983*Date Robert Hudson  
appeared*

On Tuesday, June 28, 1983, at 10:00 A.M., in the Trial Term, Part I courtroom of the Supreme Court, Dutchess County, the Administrative Judge will conduct a Special Calendar Call of all cases appearing on all Ready Day calendars.

The purpose of the call will be to set matters down for trial during July and August. Counsel must be familiar with the availability of their clients and witnesses as well as their own vacation plans. While every effort will be made to accommodate those involved, once a date is set, no departures will be countenanced unless fully documented excuses are presented in affirmation form to the Administrative Judge.

Answering services will not be recognized on this calendar call.

JOSEPH F. GAGLIARDI  
Administrative Judge  
Ninth Judicial District  
Courthouse, White Plains

Dated: May 25, 1983  
White Plains, New York

NOTICE TO BARMEMORANDUM

All lawyers who have cases pending on the Ready Day calendar please furnish me, in writing at their earliest convenience, the exact and precise dates of their vacation plans during July and August.

JOSEPH F. GAGLIARDI  
Administrative Judge  
Ninth Judicial District  
Courthouse, White Plains

Supreme Court  
Dutchess County

June 13, 1983

You have one or more cases on the Ready Day Calendar in Supreme Court, Dutchess County, which will be called on Tuesday, June 28 at 10:00 A.M. at the courthouse in Poughkeepsie.

You absent yourself from this call at your peril. Cases will be set down for trial between June 27 and September 9, 1983, and therefore counsel must be familiar with the availability of all concerned.

Trial dates are sacrosanct. Applications for adjournments thereof must be made before the undersigned in affirmation form on fully documented papers.

Answering services will not be recognized

*[Signature]*  
Administrative Judge  
Ninth Judicial District



NO. 86-586

IN THE  
SUPREME COURT OF THE UNITED STATES  
TERM, 1986

RECEIVED  
HAND DELIVERED  
DEC 26 1986  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

ROBERT HUDSON,  
Petitioner,  
VS.

JAMES EDGETT AND THE PEOPLE OF THE  
STATE OF N.Y., Respondent.

PETITION FOR REHEARING

Notice of Appeal to the U.S.  
Supreme Court  
July 19, 1986 ..... 1a

Complaint Transferred from  
Pine Plains Town Court to  
Town of Milan  
May 19, 1982 ..... 2a

Submission of Complaint to  
N.W.S. Supreme Court from  
Milan Town Court  
June 10, 1983 ..... 3a

Dismissal of Complaint from  
Supreme Court, Dutchess Co.  
August 10, 1983 ..... 4a



# EXHIBIT 8

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

October 13, 1992

Mr. Robert Hudson  
Tonetta Lake Park  
Brewster, NY 10509

Re: Robert Hudson  
v. New York  
No. 92-5542

Dear Mr. Hudson:

The Court today entered the following order in the above entitled case:

The motion of petitioner for leave to proceed in forma pauperis is denied. Petitioner is allowed until November 3, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court. Justice Blackmun and Justice Stevens, dissenting: For the reasons expressed in *Brown v. Herald Co., Inc.*, 464 U. S. 928 (1983), we would deny the petition for a writ of certiorari without reaching the merits of the motion to proceed in forma pauperis.

Very truly yours,

  
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

October 13, 1992

Mr. Robert Hudson  
Tonetta Lake Park  
Brewster, NY 10509

Re: Robert Hudson  
v. New York  
No. 92-5542

Dear Mr. Hudson:

The Court today entered the following order in the above entitled case:

The motion of petitioner for leave to proceed in forma pauperis is denied. Petitioner is allowed until November 3, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court. Justice Blackmun and Justice Stevens, dissenting: For the reasons expressed in *Brown v. Herald Co., Inc.*, 464 U. S. 928 (1983), we would deny the petition for a writ of certiorari without reaching the merits of the motion to

UNITED STATES POSTAL MONEY ORDER				15-800 000
47401165743 921028 104673 *300*00				
SERIAL NUMBER	YEAR, MONTH, DAY	POST OFFICE	U. S. DOLLARS AND CENTS	
TO: The Supreme Court of the United States		CHECKWRITER IMPRINT AREA	999300000000	
FROM: Washington D.C.		FROM: Robert Hudson		
ADDRESS: Washington D.C.		ADDRESS: Tonetta Lake Park		
		ADDRESS: Brewster NY 10509		
10 NO. OF ED FOR				
0000008002		47401165743 123		

Clk  
Clerk

Kim Kinirons